



MINUTES

SPECIAL COUNCIL MEETING

TIME: 6.30 PM

20 AUGUST 2020

CITY OF WANNEROO

*Constituent Members: Cities of Perth, Joondalup, Stirling, Vincent and Wanneroo
Towns of Cambridge and Victoria Park*



CONTENTS

1	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS.....	3
2	ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE.....	3
3	DECLARATION OF INTERESTS.....	4
4	PUBLIC QUESTION TIME.....	4
5	ANNOUNCEMENTS BY THE PRESIDING PERSON.....	4
6	CHIEF EXECUTIVE OFFICERS REPORT.....	5
6.1	APPOINTMENT OF COUNCILLORS ON TO THE CEO RECRUITMENT AND PERFORMANCE REVIEW COMMITTEE AND UPDATE OF THE TERMS OF REFERENCE OF THE COMMITTEE.....	5
7	MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC.....	10
7.1	TENDER FOR THE PROVISION OF LANDFILL SERVICES AT TAMALA PARK.....	10
7.2	CEO RECRUITMENT PROCESS.....	13
7.3	MRC FUTURE WASTE OPTIONS REVIEW.....	15
8	NEXT MEETING.....	16
9	CLOSURE.....	16

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Chair declared the meeting open at 6.33 pm

2 ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

Councillor Attendance

Cr D Boothman, JP (Chair)	City of Stirling
Cr K Vernon (Deputy Chair)	Town of Victoria Park
Cr A Jacob, JP	City of Joondalup
Cr R Fishwick, JP	City of Joondalup
Cr L Kosova	City of Perth
Cr J Ferrante	City of Stirling
Cr S Proud, JP	City of Stirling
Cr K Sargent	City of Stirling
Cr E Cole	City of Vincent
Cr F Cvitan, JP	City of Wanneroo
Cr D Newton, JP	City of Wanneroo
Cr K Shannon	Town of Cambridge

Apologies

Nil

Leave of Absence

Nil

Absent

Nil

MRC Officers

Mr G Hoppe (Chief Executive Officer)
Ms A Slater (Director Corporate Services)
Ms D Toward (Executive Support)

Member Council Observers

Mr N Claassen (City of Joondalup)
Mr M MacPherson (City of Joondalup)
Mr M Littleton (City of Stirling)
Mr R Bryant (City of Stirling)
Mr A Murphy (City of Vincent)
Ms Y Plimbley (City of Vincent)
Mr H Singh (City of Wanneroo)
Mr C Kopec (City of Perth)
Mr K Hincks (Town of Cambridge)
Mr J Wong (Town of Victoria Park)

MRC Observers

Mr A Griffiths
Mr B Twine
Ms S Cherico

LEAVE OF ABSENCE

Cr Fishwick requested a leave of absence from 27 August to 25 September 2020 inclusive.

Cr Proud moved, Cr Cvitan seconded

RESOLVED

To grant a leave of absence to Cr Fishwick from 27 August to 25 September 2020 inclusive.

(CARRIED UNANIMOUSLY 12/0)

3 DECLARATION OF INTERESTS

The CEO requested Council to note that he has not lodged a declaration of interest relating to item 7.2 as the item does not directly affect him.

4 PUBLIC QUESTION TIME

Nil

5 ANNOUNCEMENTS BY THE PRESIDING PERSON

Nil

6 CHIEF EXECUTIVE OFFICERS REPORT

6.1	APPOINTMENT OF COUNCILLORS ON TO THE CEO RECRUITMENT AND PERFORMANCE REVIEW COMMITTEE AND UPDATE OF THE TERMS OF REFERENCE OF THE COMMITTEE
File No:	GF - 20 - 000044
Attachments(s):	Nil
Date:	14 August 2020
Responsible Officer:	Chief Executive Officer

SUMMARY

The purpose of this report is to consider the appointment of additional Councillors of the Mindarie Regional Council (MRC) to the Chief Executive Officer Recruitment and Performance Review Committee, and to propose a minor amendment to the meeting frequency.

BACKGROUND

The MRC Chief Executive Officer Recruitment and Performance Review Committee ("the Committee") has been established in accordance with the LG Act. This committee was established in 2017 to combine recruitment and performance into one single committee consisting of a minimum of 4 Councillors.

The Chief Executive Officer's (CEO) performance is reviewed annually. The committee is supported in the performance review process by an independent consultant who undertakes a survey of all the Councillors and assists in the review of the CEO's performance in the previous year against pre-set performance measures and the setting of performance measures for the next year. The consultant provides a performance report to assist the Councillors in assessing the performance of the CEO.

Recruitment activities are conducted as required and may be supported by an external consultant.

The Committee Terms of Reference endorsed at the OCM 14 December 2017 as follows:

TITLE

Chief Executive Officer Recruitment and Performance Review Committee

MEMBERSHIP / SUPPORT CONSULTANT

Minimum of four Councillors
Support HR Consultant

MEETING FREQUENCY

The Committee shall meet three or four times between February and June each year for the CEO Performance Review process and as required for the CEO Recruitment Process.

DUTIES AND RESPONSIBILITIES

The duties and responsibilities of this committee are as follows:

CEO Performance Review

- a) Set Key Performance Indicators (KPIs) annually in discussion with the CEO and HR Consultant and assess the CEO's remuneration;
- b) Review the outcome of the:
 - Consultant report on the CEO's Performance based on:
 - the responses received by the Councillors on the survey prepared by the HR Consultant;
 - the report prepared by the CEO addressing performance against the KPI's set the previous year and addressing any other material issues affecting the performance of the CEO over the year; and
 - Assessment of the remuneration of the CEO.
- c) Periodically review the performance of the HR Consultant assisting the Committee; and
- d) Based on the Committee's review make recommendations to council on:
 - The level of performance of the CEO; and
 - The level of remuneration paid to the CEO, giving consideration to the Salaries and Allowances Tribunal (SAT) annual review of financial increases for CEO's and where the CEO sits on the Salary Band set by the SAT.

CEO Recruitment Process

- a) Review submissions from recruitment agencies (obtained by the MRC's HR Officer to assist the Committee in the recruitment process);
- b) Make recommendations to council to the preferred recruitment agency;
- c) Work with the preferred recruitment agency, with respect to content and timing, to advertise the CEO position;
- d) Assess applications received for the CEO position (shortlisted by the successful recruitment agency);
- e) Interview the shortlisted applicants together with a representative of the successful recruitment agency; and
- f) Make a recommendation to council on the preferred candidate.

At the 21 November 2019 OCM, Council resolved to appoint Cr Boothman, Cr Newton, Cr Cole, Cr Cvitan and Cr Shannon onto the committee.

DETAIL

The MRC Administration received notification from Cr Cole on 30 July 2020, that she would be withdrawing from the committee due to other commitments.

This recent withdrawal provides an opportunity for additional members to join the committee.

In addition, it is recommended that the meeting frequency in the current terms of reference be amended to accommodate a varied performance review period.

Current wording:

The Committee shall meet three or four times between February and June each year for the CEO Performance Review process and as required for the CEO Recruitment Process.

Proposed wording:

The Committee shall meet **as frequently as is required** each year for the CEO Performance Review process and as required for the CEO Recruitment Process.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Extract from the Local Government Act 1995 that is directly relevant to the type of committee proposed.

"Subdivision 2 – Committees and their meetings

5.8 Establishment of committees

A local government may establish committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees."*

**Absolute majority required.*

STRATEGIC/COMMUNITY AND CORPORATE/BUSINESS PLAN IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

COMMENT

Nil

VOTING REQUIREMENT

Absolute/simple majority

RESPONSIBLE OFFICER RECOMMENDATION

That Council:

1. Endorse the change of the meeting frequency of the Chief Executive Officer Recruitment and Performance Review Committee, to be:
"The Committee shall meet as frequently as is required each year for the CEO Performance Review process and as required for the CEO Recruitment Process."

(Simple majority)

2. Appoint Cr _____ to the Chief Executive Officer Recruitment and Performance Review Committee.

(Absolute majority)

Cr Vernon self-nominated to be a member of the Chief Executive Officer Recruitment and Performance Review Committee.

Moved Cr Newton, seconded Cr Cvitan

RESOLVED

That Council:

1. **Endorse the change of the meeting frequency of the Chief Executive Officer Recruitment and Performance Review Committee, to be:**
"The Committee shall meet as frequently as is required each year for the CEO Performance Review process and as required for the CEO Recruitment Process."
2. **Appoint Cr Vernon to the Chief Executive Officer Recruitment and Performance Review Committee.**

CARRIED BY ABSOLUTE MAJORITY (12/0)

The Chair requested that in accordance with clause 7.1(e) of the Mindarie Regional Council Standing Orders Local Law 2012 and s5.23 of the Local Government Act 1995, Council proceed to meet “behind closed doors” to allow the Council to consider items 7.1, 7.2 and 7.3 as the items are of a confidential nature.

The Chair invited MRC Officers and members of the MRC Project Working Group (PWG) and MRC officers to remain in the meeting.

The Chair announced that there were no limitations on the number of speeches made in accordance with clause 7.9(4) of the Mindarie Regional Council Standing Orders Local Law 2012.

Moved Cr Boothman, seconded Cr Kosova

RESOLVED

**To close the meeting to the public
(CARRIED UNANIMOUSLY 12/0)**

Doors closed at 6.36 pm.

The MRC officers and members of the PWG remained in the public gallery.
No members of the public were present.

Note: The Chief Executive Officer has not released the reports for items 7.1, 7.2 and 7.3 for public information.

7 MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC

This report is Confidential and dealt with in a confidential session, under Section 5.23 (2) (c) of the <i>Local Government Act 1995</i> as the report deals with a matter where a contract is entered into.	
7.1	TENDER FOR THE PROVISION OF LANDFILL SERVICES AT TAMALA PARK
File No:	GF – 20 - 0001521
Attachments(s):	1. Legal advice – 3 July 2020 2. Legal advice – 22 July 2020 3. Legal advice – 11 August 2020 4. Draft Business Plan
Date:	14 August 2020
Responsible Officer:	Chief Executive Officer

ORIGINAL RESPONSIBLE OFFICER RECOMMENDATION

That Council:

- 1) Authorises the CEO to advertise a major trading undertaking business plan as outlined in the detail of the report, and
- 2) Authorises the CEO to undertake a public tender process for the proposed provision of landfill services at Tamala Park, unless public comments on the business plan are received, in which case a further report is to be presented to Council at the 24 September 2020 Ordinary Council Meeting.

Moved Cr Vernon, seconded Cr Kosova

AMENDMENT

Moved Cr Fishwick, seconded by Cr May

- 1) Authorises the CEO to advertise a major trading undertaking business plan as outlined in the detail of the report, and
- 2) Authorises the CEO to undertake a public tender process for the proposed provision of landfill services at Tamala Park, unless public comments on the business plan are received, in which case a further report is to be presented to Council at the 24 September 2020 Ordinary Council Meeting, and
- 3) Requests the CEO gives consideration to including in the Business Plan the allocation of funds generated by the sale of surplus landfill at Tamala Park into a reserve account established for the purpose of offsetting future costs associated with the RRF.

(CARRIED 5+1/5)

For: Cr Fishwick, Cr May, Cr Proud, Cr Sargent, Cr Boothman (Cr Boothman casting vote as Chair)

Against: Cr Kosova, Cr Vernon, Cr Shannon, Cr Cvitan, Cr Newton

The Chair exercised his casting vote to break the deadlock and achieve a result.

PROCEDURAL MOTION

Moved Cr Kosova, seconded Shannon

RESOLVED

To hold the item over to a Special Council meeting in August 2020.
(CARRIED UNANIMOUS 10/0)

Supplementary information was provided to Council as part of the confidential report, along with a revised officer recommendation.

REVISED RESPONSIBLE OFFICER RECOMMENDATION

That Council:

- 1) Authorises the CEO to advertise a major trading undertaking business plan as outlined in the detail of the report, and
- 2) Requests that the CEO bring a report back to Council on whether to proceed with the proposed undertaking for approval, after the required public notice period has expired.

The substantive motion from the Special Council meeting on 30 July 2020 was put to the vote.

That Council:

- 1) Authorises the CEO to advertise a major trading undertaking business plan as outlined in the detail of the report, and
- 2) Authorises the CEO to undertake a public tender process for the proposed provision of landfill services at Tamala Park, unless public comments on the business plan are received, in which case a further report is to be presented to Council at the 24 September 2020 Ordinary Council Meeting, and
- 3) Requests the CEO gives consideration to including in the Business Plan the allocation of funds generated by the sale of surplus landfill at Tamala Park into a reserve account established for the purpose of offsetting future costs associated with the RRF.

LOST 0/12

ALTERNATE MOTION

Moved Cr Fishwick, seconded Cr Jacob

RESOLVED:

That Council:

- 1) Authorises the CEO to advertise a major trading undertaking business plan as outlined in the detail of the report, and included as attachment 4, subject to clauses 6 & 8 being amended to reflect the purpose statement in clause 3.

- 2) Requests that the CEO bring a report back to Council on whether to proceed with the proposed undertaking for approval, after the required public notice period has expired.

CARRIED UNANIMOUSLY (12/0)

This report is Confidential and dealt with in a confidential session, under Section 5.23 (2) (a) of the <i>Local Government Act 1995</i> as the report deals with a matter affecting an employee.	
7.2 CEO RECRUITMENT PROCESS	
File No:	GF – 20 - 0000376
Attachments(s):	1. Local Government Review Panel – Final Report 2. CEO Application Package 2018
Date:	14 August 2020
Responsible Officer:	Chief Executive Officer

ORIGINAL RESPONSIBLE OFFICER RECOMMENDATION

That Council:

Requests the CEO Recruitment and Performance Review Committee to meet and bring a report back to Council, including:

1. Consideration of a suitable recruitment agency to assist with the recruitment of a new CEO;
2. Consideration of the scope of the role of MRC CEO; and
3. Consideration of a suggested recruitment timeline.

Cr Proud moved, Seconded Cr Shannon

PROCEDURAL MOTION

Moved Cr Proud, seconded Cr Sargent

RESOLVED

That that the matter of the recruitment of the CEO to be referred to a workshop on or before 24 September 2020 to enable all members to agree to the scoping and function of the role.

CARRIED UNANIMOUSLY (10/0)

Supplementary information was provided to Council as part of the confidential report, along with a revised officer recommendation.

REVISED RESPONSIBLE OFFICER RECOMMENDATION

That Council:

Requests that the CEO Recruitment and Performance Review Committee meet after October 2020 to consider the options presented in this report regarding a future CEO, and to bring a report back to Council, including:

1. Consideration of the scope of the role of the MRC CEO
 2. Consideration of the preferred option to fill the role MRC CEO; and
 3. Consideration of a suggested implementation timeline.
-

The substantive motion from the Special Council meeting on 30 July was put to the vote.

That Council:

Requests the CEO Recruitment and Performance Review Committee to meet and bring a report back to Council, including:

1. Consideration of a suitable recruitment agency to assist with the recruitment of a new CEO;
2. Consideration of the scope of the role of MRC CEO; and
3. Consideration of a suggested recruitment timeline.

LOST 0/12 UNANIMOUS

Alternate motion moved Cr Proud, seconded Cr Cvitan.

RESOLVED

That Council:

Requests that the CEO Recruitment and Performance Review Committee meet after October 2020 to consider the options presented in this report regarding a future CEO, and to bring a report back to Council, including:

- 1. Consideration of the scope of the role of the MRC CEO**
- 2. Consideration of the preferred option to fill the role MRC CEO; and**
- 3. Consideration of a suggested implementation timeline.**

CARRIED UNANIMOUSLY (12/0)

This report is Confidential and dealt with in a confidential session, under Section 5.23 (2) (c) of the *Local Government Act 1995* as the report deals with a matter where a contract is entered into.

7.3 MRC FUTURE WASTE OPTIONS REVIEW	
File No:	GF- 20-0001541
Appendix(s):	
Date:	14 August 2020
Responsible Officer:	Chief Executive Officer

RESPONSIBLE OFFICER RECOMMENDATION

That Council:

- 1) Endorses the officer's recommendation contained in point 1 of the Comment section of the confidential report;
- 2) Endorses the officer's recommendation contained in point 2 of the Comment section of the confidential report; and
- 3) Endorses the officer's recommendation contained in point 3 of the Comment section of the confidential report.

Moved Cr Sargent, seconded Cr Proud

RESOLVED

That Council:

- 1) **Endorses the officer's recommendation contained in point 1 of the Comment section of the confidential report and adding the words 'noting that the single gate fee for the remainder of the costs stays in place' after the word 'year',**
- 2) **Endorses the officer's recommendation contained in point 2 of the Comment section of the confidential report; and**
- 3) **Endorses the officer's recommendation contained in point 3 of the Comment section of the confidential report.**

The items were put and considered separately out of sequence:

Item 2 was put

CARRIED ABSOLUTE MAJORITY (11/1)

For: Crs Boothman, Vernon, Fishwick, Jacob, Kosova, Ferrante, Sargent, Proud, Cvitan, Newton, Shannon
Against: Cr Cole

Item 3 was put

CARRIED ABSOLUTE MAJORITY (11/1)

For: Crs Boothman, Vernon, Fishwick, Jacob, Kosova, Ferrante, Sargent, Proud, Cvitan, Newton, Shannon
Against: Cr Cole

Item 1 was put

CARRIED ABSOLUTE MAJORITY (11/1)

For: Crs Boothman, Vernon, Fishwick, Jacob, Kosova, Ferrante, Sargent, Proud, Cole, Cvitan, Newton
Against: Cr Shannon

**Moved Cr Vernon, seconded Cr Cvitan
RESOLVED**

**To reopen the doors to the public.
(CARRIED UNANIMOUSLY 12/0)**

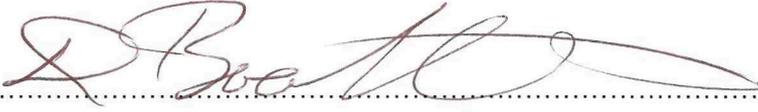
Doors were reopened to the public at 7.35 pm.
The Chair declared the meeting reopened at 7.35 pm. The Chair noted the resolutions passed behind closed doors.

8	NEXT MEETING
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The next meeting will be an Ordinary Council Meeting to be held on Thursday, 24 September 2020 in the Council Chambers at the City of Vincent commencing at 6.30 pm.

9	CLOSURE
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The Chair closed the meeting at 7.36 pm and thanked the City of Wanneroo for their hospitality and use of their meetings facilities.

Signed  Chair

Dated 24TH day of SEPTEMBER 2020



Ordinary Meeting of Council

MINUTES

**Thursday 20 August 2020, 6:00pm
City of Stirling
25 Cedric Street, Stirling**

TABLE OF CONTENTS

MEMBERSHIP	4
1. OFFICIAL OPENING.....	6
DISCLOSURE OF INTERESTS	6
2. PUBLIC STATEMENT/QUESTION TIME	6
3. APOLOGIES AND LEAVE OF ABSENCE.....	6
4. PETITIONS	6
5. CONFIRMATION OF MINUTES.....	6
5A BUSINESS ARISING FROM MINUTES	7
6. ANNOUNCEMENTS BY CHAIR (WITHOUT DISCUSSION).....	7
7. MATTERS FOR WHICH MEETING MAY BE CLOSED.....	7
8. COUNCIL REPORTS 8.1 – 8.6	7
8.1 BUSINESS REPORT – PERIOD ENDING 13 AUGUST 2020.....	7
8.2 STATEMENTS OF FINANCIAL ACTIVITY FOR THE MONTHS OF MAY & JUNE 2020	7
8.3 LIST OF MONTHLY ACCOUNTS SUBMITTED FOR THE MONTHS OF MAY & JUNE 2020.....	8
8.4 PROJECT FINANCIAL REPORT – JUNE 2020	8
8.5 SALES AND SETTLEMENT REPORT – PERIOD ENDING 13 AUGUST 2020	8
8.6 ELECTED MEMBER TRAINING REPORT 2020.....	8
9. COMMITTEE REPORTS 9.1 - 9.14.....	9
AUDIT COMMITTEE (6 AUGUST 2020)	9
9.1 TPRC DRAFT BUDGET FOR FYE 2021.....	9
9.2 PAYMENT OF ACCOUNTS & SECURITY OF PAYMENT INSTRUMENTS POLICY REVIEW.....	9
9.3 CREDIT CARD POLICY REVIEW	9
9.4 PETTY CASH POLICY REVIEW	10
9.5 WORKFORCE PLAN 2021-2024	10
MANAGEMENT COMMITTEE (23 JULY 2020).....	10
9.6 CATALINA GROVE DEVELOPMENT STRATEGY	10
9.7 PROJECT BUDGET FYE 2021 - UPDATED.....	11
9.8 ANNUAL MARKETING PLAN FYE 2021.....	11
9.9 BUILT FORM PARTNERSHIP – STAGE 18 – CONFIDENTIAL.....	12
9.10 KEY PERSONNEL – CATALINA SALES REPRESENTATIVE – CONFIDENTIAL	14
9.11 PROJECT RESOURCING – DEVELOPMENT MANAGER – CONFIDENTIAL	14
9.12 DEVELOPMENT MANAGER APPOINTMENT TO STAGE 3 - CONFIDENTIAL	14
CEO ANNUAL PERFORMANCE REVIEW COMMITTEE MEETING (11 MAY 2020).....	15

9.13	CEO ANNUAL PERMFORMANCE REVIEW 2019/2020 - APPOINTMENT OF CONSULTANT - CONFIDENTIAL.....	15
9.14	APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER – CONFIDENTIAL	15
10.	ELECTED MEMBERS MOTIONS OF WHICH NOTICE HAS BEEN GIVEN	16
11.	QUESTIONS BY ELECTED MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN	16
12.	URGENT BUSINESS APPROVED BY THE CHAIR.....	16
13.	MATTERS BEHIND CLOSED DOORS	16
14.	GENERAL BUSINESS	16
15.	FORMAL CLOSURE OF MEETING	16

TAMALA PARK REGIONAL COUNCIL

MEMBERSHIP

OWNER COUNCIL	MEMBER	ALTERNATE MEMBER
Town of Cambridge	Cr Andres Timmermanis (DEPUTY CHAIR)	Cr Gary Mack
City of Joondalup	Cr John Chester Cr Phillipa Taylor	Cr Christopher May Cr Suzanne Thompson
City of Perth	Cmr Andrew Hammond	Cmr Gaye McMath
City of Stirling	Cr Karen Caddy (CHAIR) Cr David Lagan Cr Suzanne Migdale Cr Bianca Sandri	Cr Karlo Perkov
Town of Victoria Park	Cr Claire Anderson	
City of Vincent	Mayor Emma Cole	Cr Joanne Fotakis
City of Wanneroo	Cr Brett Treby Cr Domenic Zappa	Cr Natalie Sangalli Cr Vinh Nguyen

PRESENT

Chair	Cr Karen Caddy
Councillors	Cr Claire Anderson Cr John Chester (arrived 6:12pm) Cr David Lagan Cr Suzanne Migdale Cr Bianca Sandri Cr Philippa Taylor Cr Andres Timmermanis Cr Brett Treby Cr Domenic Zappa
Alternate Members	Cr Joanne Fotakis
Staff	Mr Tony Arias (Chief Executive Officer) Mr Simon O'Sullivan (Manager Project Coordination) Ms Vickie Wesolowski (Executive Assistant)
Apologies Councillors	Mayor Emma Cole Cmr Andrew Hammond Cmr Gaye McMath
Leave of Absence	Nil
Absent	Nil
Consultants	Mr John Silla (Satterley Property Group) Mr Carl Buckley (Satterley Property Group) Ms Lena Kozak (Satterley Property Group) Mr Alan Abel (Satterley Property Group)
Apologies Participant Councils' Advisers	Mr Stuart Jardine (City of Stirling) Mr John Giorgi (Town of Cambridge) Mr Anthony Vuleta (Town of Victoria Park) Ms Michelle Reynolds (City of Perth) Mr Daniel Simms (City of Wanneroo) Mr David MacLennan (City of Vincent)
In Attendance Participant Councils' Advisers	Mr Garry Hunt (City of Joondalup) Mr Stevan Rodic (City of Stirling) Ms Noelene Jennings (City of Wanneroo)
Members of the Public	Nil
Press	Nil

1. OFFICIAL OPENING

The Chair declared the meeting open at 6:02pm and welcomed Cr Fotakis to the Tamala Park Regional Council meeting.

DISCLOSURE OF INTERESTS

- Cr Anderson advised a Disclosure of Interest – Impartial Interest in relation to Item 9.13 (one of the consultants is undertaking work at the Town of Victoria Park).
- Cr Caddy advised a Disclosure of Interest – Impartial Interest in relation to Items 9.13 (Learning Horizons has performed work at the City of Stirling) and 9.14 (one of the candidates is a Director at the City of Stirling).
- Cr Fotakis advised three Disclosures of Interest – Impartial Interest in relation to Items 9.9 (there has been an association with one of the consultants under the tender), 9.13 (association with one of the consultant groups being considered) and 9.14 (association with two of the applicants being considered).
- Cr Lagan advised a Disclosure of Interest – Impartial Interest in relation to Items 9.13 (one of the consultants has performed work at the City of Stirling) and 9.14 (one of the candidates is a Director at the City of Stirling).
- Cr Migdale advised a Disclosure of Interest – Impartial Interest in relation to Item 9.13 (Learning Horizons has performed work at the City of Stirling).
- Cr Sandri advised a Disclosure of Interest – Impartial Interest in relation to Items 9.13 (one of the consultants has performed work at the City of Stirling) and 9.14 (one of the candidates is a Director at the City of Stirling).
- Cr Timmermanis advised a Disclosure of Interest – Impartial Interest in relation to Item 9.13 (potential supplier has performed work for the Town of Cambridge).
- Cr Treby advised a Disclosure of Interest – Impartial Interest in relation to Item 9.14 (previously worked with two of the candidates).

2. PUBLIC STATEMENT/QUESTION TIME

Nil

3. APOLOGIES AND LEAVE OF ABSENCE

Mayor Emma Cole
Cmr Andrew Hammond
Cmr Gaye McMath

4. PETITIONS

Nil

5. CONFIRMATION OF MINUTES

Ordinary Meeting of Council – 18 June 2020

Moved Cr Anderson, Seconded Cr Migdale

That the minutes of the Ordinary Meeting of Council of 18 June 2020 be confirmed, and signed by the Chair, as a true and correct record of proceedings.

The Motion was put and declared CARRIED (10/0).

5A BUSINESS ARISING FROM MINUTES

Nil

6. ANNOUNCEMENTS BY CHAIR (WITHOUT DISCUSSION)

Nil

7. MATTERS FOR WHICH MEETING MAY BE CLOSED

- 9.9 Built Form Partnership – Confidential
- 9.10 Key Personnel – Catalina Sales Representative – Confidential
- 9.11 Project Resourcing – Development Manager – Confidential
- 9.12 Development Manager Appointment to Stage 3 – Confidential
- 9.13 CEO Annual Performance Review – Appointment of Consultant - Confidential
- 9.14 Appointment of Acting Chief Executive Officer - Confidential

8. COUNCIL REPORTS 8.1 – 8.6

8.1 BUSINESS REPORT – PERIOD ENDING 13 AUGUST 2020

Moved Cr Timmermanis, Seconded Cr Fotakis.

[The recommendation in the agenda]

That the Council RECEIVES the Business Report to 13 August 2020.

The Motion was put and declared CARRIED (10/0).

8.2 STATEMENTS OF FINANCIAL ACTIVITY FOR THE MONTHS OF MAY & JUNE 2020

Moved Cr Timmermanis, Seconded Cr Sandri.

[The recommendation in the agenda]

That the Council RECEIVES and NOTES the Statements of Financial Activity for the months ending:

- 31 May 2020; and
- 30 June 2020.

The Motion was put and declared CARRIED (10/0).

The recommendations for Items 8.3 and 8.4 were moved and seconded en bloc.

Moved Cr Migdale, Seconded Cr Fotakis.

Cr Chester joined meeting at 6:12pm

8.3 LIST OF MONTHLY ACCOUNTS SUBMITTED FOR THE MONTHS OF MAY & JUNE 2020

[The recommendation in the agenda]

That the Council RECEIVES and NOTES the list of accounts paid under Delegated Authority by the CEO for the months of May and June 2020:

- **Month ending 31 May 2020 (Total \$633,404.18)**
- **Month ending 30 June 2020 (Total \$3,748,814.05)**
- **Total Paid - \$4,382,218.23**

8.4 PROJECT FINANCIAL REPORT – JUNE 2020

[The recommendation in the agenda]

That the Council RECEIVES the Project Financial Report (June 2020) submitted by the Satterley Property Group.

The Motions were put and CARRIED en bloc (11/0).

8.5 SALES AND SETTLEMENT REPORT – PERIOD ENDING 13 AUGUST 2020

Moved Cr Treby, Seconded Cr Sandri.

[The recommendation in the agenda]

That the Council RECEIVES the Sales and Settlement Report to 13 August 2020.

The Motion was put and declared CARRIED (11/0).

8.6 ELECTED MEMBER TRAINING REPORT 2020

Moved Cr Sandri, Seconded Cr Fotakis.

[The recommendation in the agenda]

That Council APPROVES the Elected Member Continuing Professional Development Policy and NOTES the Elected Member Training Report, required by Section 5.127 of the *Local Government Act (2019)* and that the TPRC's website provide a link to each member local government's website where the policy, training and reporting requirements in respect of each of the TPRC's Councillors is provided.

The Motion was put and declared CARRIED by ABSOLUTE MAJORITY (11/0).

9. COMMITTEE REPORTS 9.1 - 9.14

AUDIT COMMITTEE (6 AUGUST 2020)

9.1 TPRC DRAFT BUDGET FOR FYE 2021

Moved Cr Migdale, Seconded Cr Zappa.

[The recommendation in the agenda]

That the Council:

- 1. ADOPTS the Budget for the Tamala Park Regional Council for the year ending 30 June 2021, incorporating the following statements:**
 - a. Statement of Comprehensive Income, indicating an operating deficit of \$558,647.**
 - b. Statement of Financial Activity, showing surplus at end of year position of \$44,994,942.**
 - c. Rate Setting Statement, indicating no rates levied.**
- 2. ADOPTS a percentage of 10% or \$5,000 whichever is the greater for the purposes of the reporting of material variances by Nature and Type monthly for the 2019/2020 financial year, in accordance with Regulation 34(5) of the *Local Government (Financial Management) Regulations 1996*.**

The Motion was put and declared CARRIED by ABSOLUTE MAJORITY (11/0).

The recommendations for Items 9.2 – 9.4 were moved and seconded en bloc.

Moved Cr Migdale, Seconded Cr Sandri.

9.2 PAYMENT OF ACCOUNTS & SECURITY OF PAYMENT INSTRUMENTS POLICY REVIEW

[The recommendation in the agenda]

That the Audit Committee recommends that Council APPROVES the Payment of Accounts & Security of Payment Instruments Policy (August 2020).

9.3 CREDIT CARD POLICY REVIEW

[The recommendation in the agenda]

That the Audit Committee recommends that the Council APPROVES the Credit Card Policy (August 2020).

9.4 PETTY CASH POLICY REVIEW

[The recommendation in the agenda]

That the Audit Committee recommends that Council APPROVES the Petty Cash Policy (August 2020).

The Motions were put and CARRIED en bloc (11/0).

9.5 WORKFORCE PLAN 2021-2024

[The recommendation in the agenda]

That the Council APPROVES the Workforce Plan 2021-2024.

Moved Cr Sandri, Seconded Cr Lagan.

[An Alternative Motion]

That Council DEFERS the Workforce Plan 2021-2024 and requests the CEO engage an external consultant to review the current organisational structure and operating model of Tamala Park Regional Council and provides options for a cost effective, agile and streamlined approach to the delivery and sale of land in accordance with the *Local Government Act 1995*.

The Motion was put and declared CARRIED (7/4).

For: Cr Anderson, Cr Caddy, Cr Chester, Cr Lagan, Cr Migdale, Cr Sandri and Cr Timmermanis.

Against: Cr Fotakis, Cr Taylor, Cr Treby and Cr Zappa.

MANAGEMENT COMMITTEE (23 JULY 2020)

The recommendations for Items 9.6 – 9.8 were moved and seconded en bloc.

Moved Cr Timmermanis, Seconded Cr Lagan.

9.6 CATALINA GROVE DEVELOPMENT STRATEGY

[The recommendation in the agenda]

That the Council:

- 1. APPROVES the Catalina Grove Development Strategy (July 2020) prepared by the Satterley Property Group, to guide the development, marketing and sale of land in the Catalina Grove Precinct.**
- 2. REQUESTS the Satterley Property Group to provide additional advice on the following matters prior to the development of Phase 1:**

- (a) **Commencement of Sales – rationale for sales commencing prior to Phase 1 civil works and the Connolly Drive and Neerabup Road landscaping being completed;**
- (b) **Local Centre site – recommendations on the timing for the marketing, sale and development of the site;**
- (c) **Builders' Display Village – seeking commitment from builders for the potential display village and interest in building demonstration housing, particularly the proposed micro-lots and terrace housing;**
- (d) **Lot sizes and configuration – further information, including market research, confirming market acceptance to the proposed lot sizes, particularly the proposed micro lots and terrace housing lots;**
- (e) **Marketing strategy - advice on the timing for the preparation of the Grove Marketing Strategy, in particular detail on how the marketing approach will emphasise the Grove Precinct point of difference with the other Catalina Precincts;**
- (f) **Preparation of Design Guidelines – advice on the timing for the preparation of the design guidelines;**
- (g) **Innovation/sustainability - advice on the timing for the preparation of information outlining the innovation/sustainability principles/approaches to be incorporated in the Grove Precinct.**

9.7 PROJECT BUDGET FYE 2021 - UPDATED

[The recommendation in the agenda]

That the Management Committee recommends that Council APPROVES the Project Budget FYE 2021 (July 2020), submitted by the Satterley Property Group, as the basis of financial planning for the TPRC Budget FYE 2021.

9.8 ANNUAL MARKETING PLAN FYE 2021

[The recommendation in the agenda]

That the Council:

- 1. APPROVES the Annual Marketing Plan FYE 2021, prepared by the Satterley Property Group, subject to it being amended to indicate a revised sales target of 119 lots consistent with the revised Project Budget FYE 2021 (July 2020).**
- 2. ACCEPTS that the Development Manager's Key Performance Indicator (February 2020) requiring the preparation of an Annual Marketing Plan has been achieved.**
- 3. ADVISES the Satterley Property Group that marketing expenditure, in particular sales incentives campaigns, will be reviewed and monitored in line with market conditions and the requirements of the Project and the Project Budget FYE 2021,**

as approved. Further, the proposed experiential marketing through promotion and engagement at third-party events such as the Mindarie Marina Festival and City of Joondalup Festival will require further justification on expected marketing outcomes versus expenditure.

The Motions were put and CARRIED en bloc (11/0).

Moved Cr Sandri, Seconded Cr Lagan.

That Standing Orders be suspended to allow Confidential Items 9.9, 9.13 and 9.14 to be discussed.

The Motion was put and CARRIED (11/0).

9.9 BUILT FORM PARTNERSHIP – STAGE 18 – CONFIDENTIAL

Moved Cr Treby, Seconded Cr Chester.

[The recommendation in the agenda]

That Council:

- 1. ACCEPTS the use of the following draft development principles and commercial terms for the Stage 18 site to inform the preparation by the TPRC and Schlager Group of a Project Plan and Project Budget to establish project management arrangements and acceptable financial outcomes within 30 days:**
 - a) Schlager to work with the TPRC and its consultants to undertake the subdivision, civil construction and landscaping design of the site.**
 - b) Schlager to undertake building design for the site.**
 - c) Development of the site is to occur in two stages, Stage 1 Display Homes and Stage 2 House and Land packages.**
 - d) Stage 1 is to comprise the construction of two display homes:**
 - i. A six-bedroom/six-bathroom (6x6) communal dwelling to function as a demonstration home/living laboratory. Schlager to fund the construction of this home, including the acquisition of the land.**
 - ii. A three-bedroom/two-bathroom two-story townhouse to be funded by the TPRC.**
 - e) Stage 2 is to comprise of (notionally) 36 two-storey townhouses to be marketed and sold as house and land packages.**
 - f) All dwellings are to incorporate the following sustainability features:**
 - i. Prefabricated timber wall frames, floors and roof trusses. A typical build time to lock up after the slab is laid is two days.**

- ii. **Near passive house/net zero energy design meeting the highest energy ratings achieved with double glazed doors and windows and building sealing testing.**
 - iii. **'Waterwise Gold' endorsement, smart home connectivity, carbon neutral construction and energy efficient appliances.**
 - iv. **PV solar and battery systems with access to an enabled embedded energy network for energy trading, monitorable through smart home connectivity.**
 - v. **Optional extras may include heat pumps, heat recovery ventilators and underfloor heating (subject to purchaser preferences).**
 - vi. **Access to a shared electric scooter and bicycle network.**
 - g) **The TPRC is to fund the common property civil and landscaping works in Stage 2.**
 - h) **Schlager is to fund the marketing, sale, project management and development of the Stage 2 townhouses.**
 - i) **Purchasers of house and land packages to enter into a land sales contract with the TPRC and a building contract with Schlager.**
 - j) **Schlager is to fund the building of the townhouses in Stage 2.**
 - k) **No debt is to be secured against the land.**
 - l) **The TPRC is to retain ownership of the land until settling the sale of each lot.**
 - m) **Schlager to provide adequate indemnity coverage for the TPRC for any construction it undertakes on its land.**
 - n) **A suitable sales and settlement method for the house and land packages is to be agreed, including for the distribution of sales proceeds in the following order:**
 - i. **GST payable in respect of the sale of a dwelling;**
 - ii. **To the TPRC for its equity contribution, including land, civil and landscaping works;**
 - iii. **To Schlager for its building costs properly incurred in accordance with the approved Project Budget in respect of the design, construction, management, marketing and sale of dwellings; and**
 - iv. **To the parties, based on their respective equity share, of any remaining balance of the sales proceeds, which is to take into account the contribution of the Innovation Fund to the Project by the TPRC.**
- 2. REQUIRES the Project Plan and Project Budget to confirm development principles, commercial terms, establish project management arrangements and clearly demonstrate acceptable financial outcomes.**

The Motion was put and declared CARRIED (7/4).

For: Cr Anderson, Cr Chester, Cr Fotakis, Cr Sandri, Cr Taylor, Cr Treby and Cr Zappa.

Against: Cr Caddy, Cr Lagan, Cr Migdale and Cr Timmermanis.

The recommendations for Items 9.10 – 9.12 were moved and seconded en bloc.

Moved Cr Timmermanis, Seconded Cr Lagan.

9.10 KEY PERSONNEL – CATALINA SALES REPRESENTATIVE – CONFIDENTIAL

[The recommendation in the agenda]

That the Management Committee recommends that Council APPROVES, pursuant to Clause 4.5 of the Development Management Agreement, the extension of the appointment of Mr Alan Abel as the Catalina Sales Representative until 31 December 2020.

9.11 PROJECT RESOURCING – DEVELOPMENT MANAGER – CONFIDENTIAL

[The recommendation in the agenda]

That the Council:

- 1. ADVISES the Satterley Property Group that it does not ACCEPT the proposed arrangements to resource the Catalina Project, as set out in Satterley’s letter of 8 July 2020, due to concerns over its ability to fulfill its obligations under the Development Management Agreement (2010) and REQUESTS that Satterley reconsiders its position in relation to resourcing of the Catalina Project.**
- 2. In the event that a satisfactory outcome is not achieved from the request made in accordance with 1. above, AUTHORISES the Chief Executive Officer to provide written notice to the Satterley Property Group pursuant to Clause 17.1 of the Development Management Agreement (2010) that it DISPUTES that Satterley is in compliance with Clause 4.5 of the Agreement.**

9.12 DEVELOPMENT MANAGER APPOINTMENT TO STAGE 3 - CONFIDENTIAL

[The recommendation in the agenda]

That the Management Committee recommends that Council:

- 1. AGREES to undertake an assessment, pursuant to Clause 2.2(b) of the Development Management Agreement (2010), as to whether the Development Manager has performed and observed its obligations under the DMA for Stage 2, prior to the appointment of the Development Manager to Stage 3 of the Project.**

- 2. AUTHORISES the Chief Executive Officer to engage an independent consultant to undertake an assessment of the performance of the Development Manager, in accordance with Clause 4.1 of the Development Management Agreement (2010) and provide advice and recommendations to Council.**

The Motions were put and CARRIED en bloc (11/0).

CEO ANNUAL PERFORMANCE REVIEW COMMITTEE MEETING (11 MAY 2020)

9.13 CEO ANNUAL PERFORMANCE REVIEW 2019/2020 - APPOINTMENT OF CONSULTANT - CONFIDENTIAL

Moved Cr Timmermanis, Seconded Cr Lagan.

[The recommendation in the agenda]

That the Committee recommends that Council appoint Learning Horizons to assist the Council with the CEO Annual Performance Review 2019/2020 and for a 3-year term (FYE 2020-2022) in accordance with its proposal dated 11 July 2020.

The Motion was put and declared CARRIED (11/0).

9.14 APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER – CONFIDENTIAL

Moved Cr Lagan, Seconded Cr Treby.

[The recommendation in the agenda]

That the Council:

- 1. DETERMINES that Michael Quirk is suitably qualified to Act as Chief Executive Officer – TPRC.**
- 2. APPROVES the appointment of Michael Quirk to Act as Chief Executive Officer – TPRC, between 28 September 2020 to 23 October 2020 (inclusive), in accordance with proposed employment contract (dated August 2020 attached).**
- 3. AUTHORISES the Chair to sign the proposed employment contract (dated August 2020 attached).**

The Motion was put and declared CARRIED by ABSOLUTE MAJORITY (11/0).

Moved Cr Lagan, Seconded Cr Zappa.

That the Meeting be REOPENED to the public.

The Motion was put and declared CARRIED (11/0).

10. ELECTED MEMBERS MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

Nil

11. QUESTIONS BY ELECTED MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

12. URGENT BUSINESS APPROVED BY THE CHAIR

Nil

13. MATTERS BEHIND CLOSED DOORS

- 9.9 Built Form Partnership – Confidential
- 9.10 Key Personnel – Catalina Sales Representative – Confidential
- 9.11 Project Resourcing – Development Manager – Confidential
- 9.12 Development Manager Appointment to Stage 3 – Confidential
- 9.13 CEO Annual Performance Review – Appointment of Consultant - Confidential
- 9.14 Appointment of Acting Chief Executive Officer - Confidential

14. GENERAL BUSINESS

Nil

15. FORMAL CLOSURE OF MEETING

The Chair declared the meeting closed at 7:26pm.

These minutes were confirmed at a meeting on

SIGNED this day of 2020

as a true record of proceedings.

CHAIR



MINUTES

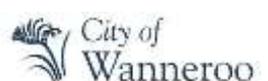
ORDINARY COUNCIL MEETING

TIME: 6.30 PM

24 SEPTEMBER 2020

CITY OF VINCENT

*Constituent Members: Cities of Perth, Joondalup, Stirling, Vincent and Wanneroo
Towns of Cambridge and Victoria Park*



CONTENTS

1	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS	3
2	ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE	3
3	DECLARATION OF INTERESTS	4
4	PUBLIC QUESTION TIME	4
5	ANNOUNCEMENTS BY THE PRESIDING PERSON	5
6	APPLICATIONS FOR LEAVE OF ABSENCE	5
7	PETITIONS / DEPUTATIONS / PRESENTATIONS	5
8	CONFIRMATION OF MINUTES OF PREVIOUS MEETING.....	6
8.1	ORDINARY COUNCIL MEETING – 02 JULY 2020.....	6
8.2	SPECIAL COUNCIL MEETING – 30 JULY 2020	6
8.3	SPECIAL COUNCIL MEETING – 20 AUGUST 2020	6
9.1	CHIEF EXECUTIVE OFFICER REPORTS.....	7
9.1	FINANCIAL STATEMENTS FOR THE MONTHS ENDED	7
	31 MAY 2020 AND 30 JUNE 2020	7
9.2	LIST OF PAYMENTS MADE FOR THE MONTHS ENDED.....	10
	31 MAY 2020 AND 30 JUNE 2020	10
9.3	EXTERNAL AUDIT COMMITTEE MEMBER APPOINTMENT	12
9.4	MINDARIE REGIONAL COUNCIL WASTE FACILITY SITE LOCAL LAW 2013 - AMENDMENT.....	14
9.5	MINDARIE REGIONAL COUNCIL MEETING PROCEDURES LOCAL LAW 2020.....	19
9.6	REVIEW OF COUNCIL POLICIES AND DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER.....	26
9.7	SPECIAL RATE FOR DISPOSAL OF RECYCLABLE MATERIAL AT TAMALA PARK.....	32
10	MEMBERS INFORMATION BULLETIN – ISSUE NO. 55.....	40
11	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	40
12	URGENT BUSINESS.....	40
13	QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN	40
14	MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC	41
14.1	PROPOSED RRFA KPI SUSPENSION	42
14.2	CEO PERFORMANCE REVIEW	43
15	NEXT MEETING	44
16	CLOSURE.....	44

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Chair declared the meeting open at 6.33 pm

2 ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

Councillor Attendance

Cr D Boothman, JP (Chair)	City of Stirling
Cr K Vernon (Deputy Chair)	Town of Victoria Park
Cr C May	City of Joondalup
Cr A Jacob, JP	City of Joondalup
Cr J Ferrante	City of Stirling
Cr S Proud, JP	City of Stirling
Cr K Sargent	City of Stirling
Cr E Cole	City of Vincent
Cr F Cvitan, JP	City of Wanneroo
Cr D Newton, JP	City of Wanneroo

Apologies

Cr L Kosova	City of Perth
Cr K Shannon	Town of Cambridge

Leave of Absence

Cr R Fishwick, JP	City of Joondalup
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Absent

Nil

MRC Officers

Mr G Hoppe (Chief Executive Officer)
Ms A Slater (Director Corporate Services)
Ms D Toward (Executive Support)

Member Council Observers

Mr M MacPherson (City of Joondalup)
Mr R Bryant (City of Stirling)
Mr A Murphy (City of Vincent)
Ms Y Plimbley (City of Vincent)
Mr H Singh (City of Wanneroo)
Mr S Cairns (City of Wanneroo)
Mr C Kopec (City of Perth)
Mr K Hincks (Town of Cambridge)
Mr J Wong (Town of Victoria Park)

MRC Observers

Mr A Griffiths
Mr B Twine
Ms S Cherico
Mr J Shepherd

3 DECLARATION OF INTERESTS

Interest Type	Financial Interest
Name and Position of Person	Gunther Hoppe, Chief Executive Officer
Report No and Topic	14.2 CEO Performance Review
Name of Interest	May affect remuneration

4 PUBLIC QUESTION TIME

The following public questions from Mr David Wake were submitted prior to the Council meeting on 23 September 2020.

Mr Wake was seated in the public gallery and invited by the Chair to read out his questions. The Chair asked the Chief Executive Officer to respond to the questions.

The questions and responses are as follows:

Q1. Was the termination of employment of waste education team members considered at the special council meeting held on August 20, 2020?

CEO Response: Item 7.3 MRC Future Waste Options Review was considered as a confidential item at the Special Council Meeting on 20 August 2020. This report considered various matters relating to the future of the MRC, including its function as a provider of regional education services.

Q2. Will further information on the decision, marked as a confidential item, be made public in the interests of transparency?

CEO Response: Given the commercial nature of information contained in the confidential report to council on the matter, the report will remain confidential.

Q3. Why did the Mindarie Regional Council decide to discontinue its waste education program which I would say was a positive way to engage with the community and build awareness and skills to encourage waste reduction, reuse and recycling?

CEO Response: The decision to discontinue the waste education program wasn't taken lightly and was made as part of a larger restructuring of the way that the MRC provides services to its stakeholders. The restructuring will allow the MRC to provide a sustainable, fit-for-purpose service to its member councils and community going forward.

Q4. When did the Mindarie Regional Council start running Earthcarers training courses? How many people were trained to be able to adopt and promote wastewise practices to others?

CEO Response: Earthcarer courses as run by the MRC started in 2008 and put roughly 550 people through the program.

Q5. Has the Mindarie Regional Council communicated its decision to terminate the waste education team and its activities to Earthcarers or other community stakeholders? If yes, how has this been done? If no, will this be done?

CEO Response: As part of the restructure we kept the Waste manager on and he is in consultation with waste teams, and regional teams. We are in the final stages of distributing assets to the councils and providing guidance to the member council education teams. As part of this process, community stakeholders and Earth Carers have been, or will be, notified of the cessation of the MRC education program and future opportunities. The restructure has also been picked up by Perth Now and is noted on the MRC's website. By next week there will be specific information to the Earth carers.

Q6. Did the council consider working with member councils to coordinate waste education efforts and retain the knowledge and skills of staff in making a determination on the future of the waste education team and program?

CEO Response: The MRC has been and continues to be in active dialogue with its member councils as they consider their waste education programs in the context of the MRC no longer providing a regional education service, including providing access to our education resources and intellectual property. Should they wish to incorporate into their programs this is a fairly seamless process.

Q7. How will the Mindarie Regional Council contribute towards attainment of goals in WA's Waste Strategy without a waste education program?

CEO Response: As a region, the MRC's member councils will continue to engage with their communities on waste education matters. The MRC remains committed to its vision of Winning Back Waste and will continue to advocate for better waste outcomes through our onsite activities including the Re-use shop, the Household Hazardous Waste program and our various recycling programs.

As far as education this will be picked up by each individual council to fulfil this space.

5 ANNOUNCEMENTS BY THE PRESIDING PERSON
--

Nil

6 APPLICATIONS FOR LEAVE OF ABSENCE
--

Nil

7 PETITIONS / DEPUTATIONS / PRESENTATIONS
--

Nil

8 CONFIRMATION OF MINUTES OF PREVIOUS MEETING
--

8.1 ORDINARY COUNCIL MEETING – 02 JULY 2020

The Minutes of the Ordinary Council Meeting held on 02 July 2020 have been printed and circulated to members of the Council.

RESPONSIBLE OFFICER RECOMMENDATION

That the Minutes of the Ordinary Council Meeting of Council held on 02 July 2020 be confirmed as a true record of the proceedings.

8.2 SPECIAL COUNCIL MEETING – 30 JULY 2020

The Minutes of the Special Council Meeting held on 30 July 2020 have been printed and circulated to members of the Council.

RESPONSIBLE OFFICER RECOMMENDATION

That the Minutes of the Special Council Meeting of Council held on 30 July 2020 be confirmed as a true record of the proceedings.

8.3 SPECIAL COUNCIL MEETING – 20 AUGUST 2020

The Minutes of the Special Council Meeting held on 20 August 2020 have been printed and circulated to members of the Council.

RESPONSIBLE OFFICER RECOMMENDATION

That the Minutes of the Special Council Meeting of Council held on 20 August 2020 be confirmed as a true record of the proceedings.

Moved Cr Sargent, seconded Cr Newton

RESOLVED

That the recommendations for items 8.1, 8.2 and 8.3 be adopted
(CARRIED UNANIMOUSLY 10/0)

9.1 CHIEF EXECUTIVE OFFICER REPORTS

9.1	FINANCIAL STATEMENTS FOR THE MONTHS ENDED 31 MAY 2020 AND 30 JUNE 2020
File No:	FIN/5-09
Appendix(s):	Appendix No. 1 Appendix No. 2 Appendix No. 3
Date:	18 AUGUST 2020
Responsible Officer:	DIRECTOR CORPORATE SERVICES

SUMMARY

The purpose of this report is to provide financial reporting in line with statutory requirements which provides useful information to stakeholders of the Council.

BACKGROUND

Reporting requirements are defined by Financial Management Regulations 34 of the Local Government (Financial Management) Regulations 1996.

The financial statements presented for each month consist of:

- Operating Statement by Nature – Combined
- Operating Statement by Nature – RRF Only
- Operating Statement by Function
- Statement of Financial Activity
- Statement of Reserves
- Statement of Financial Position
- Statement of Investing Activities
- Information on Borrowings
- Tonnage Report

DETAIL

The Financial Statements are for the months ended 31 May 2020 and 30 June 2020 and are attached at **Appendix No. 1 and 2** to this Item. The Tonnage Report for the 12 months to 30 June 2020 is attached at **Appendix No. 3**.

The financial statements are pending external auditor approval and are subject to change.

The complete suite of Financial Statements which includes the Operating Statements, Statement of Financial Position, Statement of Financial Activity and other related information are reported on a monthly basis.

The estimates for Provisions for Amortisation of Cell Development, Capping and Post Closure expenditure are based on the estimated rates per tonne calculated with reference to estimated excavation cost of various stages of the landfill and the life of the landfill. An adjustment is made (if necessary) at the end of the year based on actual tonnages on a survey carried out to assess the “air space” remaining and other relevant information.

Summary of results for the year to date period ended 30 June 2020

	Actual	Budget	Variance
	t	t	t
Tonnes – Members	247,263	243,244	4,019
Tonnes – Others	13,828	14,385	(557)
TOTAL TONNES	261,091	257,629	3,462
	\$	\$	\$
Revenue – Members	50,698,504	49,868,244	830,260
Revenue – Other	5,494,110	5,834,917	(340,807)
TOTAL REVENUE	56,192,614	55,703,161	489,453
Expenses	56,966,662	57,744,363	777,701
Profit on sale of assets	59,331	257,260	(197,929)
Loss on sale of assets	350,266	118,380	(231,886)
Impairment of assets	-	-	-
NET DEFICIT	(1,064,983)	(1,902,322)	837,339

Commentary

Tonnages for the financial year ended 30 June 2020 were 3,462 tonnes more than budgeted, mainly attributable to the Cities of Stirling and Wanneroo.

The net deficit result variance against budget of \$837,339 is mainly attributable to non-member budgeted tonnage related expenditure, the sale of assets within the year and the adoption of AASB 16 Leases.

RRF

The Resource Recovery Facility residue tonnes are marginally below phased budget by 122 tonnes delivering 59,013 tonnes in total to Tamala Park year to date.

Trade & Casuals

The Casual and Trade tonnages are 557 tonnes lower than forecast for the financial year as trade customers find alternative options for waste disposal.

VOTING REQUIREMENT

Simple Majority

RESPONSIBLE OFFICER RECOMMENDATION

That Council:

Receive the Financial Statements set out in Appendix No. 1 and 2 for the months ended 31 May 2020 and 30 June 2020, respectively.

Moved Cr Cvitan, seconded Cr Vernon

RESOLVED

That the recommendation be adopted

(CARRIED UNANIMOUSLY 10/0)

9.2	LIST OF PAYMENTS MADE FOR THE MONTHS ENDED 31 MAY 2020 AND 30 JUNE 2020
File No:	FIN/5-09
Appendix(s):	Appendix No. 4 Appendix No. 5
Date:	19 August 2020
Responsible Officer:	Director Corporate Services

SUMMARY

The purpose of this report is to provide details of payments made during the periods identified. This is in line with the requirement under the delegated authority to the Chief Executive Officer (CEO), that a list of payments made from the Municipal Fund since the last Ordinary Council meeting be presented to Council.

COMMENT

The lists of payments for the months ended 31 May 2020 and 30 June 2020 are at **Appendix 4 and 5** to this Item and are presented to Council for noting. Payments have been made in accordance with the delegated authority to the CEO which allows payments to be made between meetings. At the Ordinary Council Meeting held on 19 September 2019, the Council delegated to the CEO the exercise of its power to make payments from the Municipal Fund. In order to satisfy the requirements of Clause 13(2) of the Local Government (Financial Management) Regulations, a list of payments made must be submitted to the next Council meeting following such payments.

It should be noted that generally all payments are GST inclusive and the Mindarie Regional Council is able to claim this tax as an input credit when GST remittances are made each month to the Australian Tax Office.

Months Ended	Account	Vouchers	Amount
31 May 2020	General Municipal	Cheques	\$3,632.35
		EFT	\$3,219,510.91
		DP	\$211,170.38
		Inter account transfers	\$0.00
		Total	\$3,434,313.64
30 June 2020	General Municipal	Cheques	\$24,882.52
		EFT	\$3,897,898.59
		DP	\$260,678.02
		Inter account transfers	\$2,000,000.00
		Total	\$6,183,459.13

VOTING REQUIREMENT

Simple Majority

RESPONSIBLE OFFICER RECOMMENDATION

That Council:

Note the list of payments made under delegated authority to the Chief Executive Officer, for the months ended 31 May 2020 and 30 June 2020.

Moved Cr Sargent, seconded Cr May

RESOLVED

That the recommendation be adopted

(CARRIED UNANIMOUSLY 10/0)

9.3	EXTERNAL AUDIT COMMITTEE MEMBER APPOINTMENT
File No:	GF-20-0000042
Appendix(s):	None
Date:	8 September 2020
Responsible Officer:	Director Corporate Services

SUMMARY

The Mindarie Regional Council (MRC) has historically appointed an external audit committee member to the MRC's Audit Committee in line with good governance practice.

BACKGROUND

The incumbent external audit committee member's term expired at the end of June 2020. After discussion with the Chair of the Audit Committee, the recruitment process to appoint a new external audit committee member commenced in July 2020.

DETAIL

The advert was placed in the West Australian and on the Australian Institute of Company Directors (AICD) website. The adverts resulted in three suitable applications being received. The MRC arranged a face-to-face informal chat with each of the applicants, at which stage one applicant withdrew his application.

The resumes of the remaining two candidates, one of whom was the incumbent member, were presented to the Audit Committee for consideration at the meeting held on 30 July 2020.

The Audit Committee discussed the two applicants and recommended that Phillip Draber be put forward as the most suitable candidate.

There is no remuneration payable for this position, however the member can be compensated for expenses associated with enabling them to discharge their duties of the role up to an annual limit of \$1,000.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Nil

STRATEGIC/COMMUNITY AND CORPORATE/BUSINESS PLAN IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

There is no remuneration payable for this position, however the member can be compensated for expenses associated with enabling them to discharge their duties of the role up to an annual limit of \$1,000.

COMMENT

It continues to be challenging to attract interest in external audit committee member roles in Local Government, given the restrictions in place as regards remuneration of the position.

Fortunately, both candidates who applied for the role were of a high calibre, providing the MRC with credible options.

VOTING REQUIREMENT

Absolute Majority

AUDIT COMMITTEE RECOMMENDATION

That Council:

Appoint Phillip Draber as the MRC external audit committee member, subject to his acceptance of the appointment, for the period from 24 September 2020 to 16 October 2021, the date of the next Local Government elections.

Moved Cr Proud, seconded Cr Ferrante

RESOLVED

That the recommendation be adopted

(CARRIED UNANIMOUSLY 10/0)

9.4	MINDARIE REGIONAL COUNCIL WASTE FACILITY SITE LOCAL LAW 2013 - AMENDMENT
File No:	GF-20-0000550
Appendix(s):	Appendix 6 – Proposed Mindarie Regional Council Waste Facility Site Local Law 2020 Appendix 7 – Proposed Mindarie Regional Council Waste Facility Site Local Law 2020 Summary Purpose and Effect Appendix 8 – Proposed Mindarie Regional Council Waste Facility Site Local Law 2020 Tracked Changes
Date:	7 September 2020
Responsible Officer:	Chief Executive Officer

SUMMARY

The purpose of this report is to seek Council's approval to amend the Mindarie Regional Council Waste Facility Site Local Law 2013 to take into account current updates that are required.

BACKGROUND

The existing Mindarie Regional Council Waste Facility Site Local Law 2013 ("the Local Law") was adopted by Council on 7 March 2013. Section 3.16 of the Local Government Act 1995 ("the Act") requires a periodic review of the Local Law, which for the Mindarie Regional Council falls due on 7 March 2021.

In summary, the review process requires:

- A statewide and local public notice to be given, this is to include:
 - a summary of the proposed amendments and their effect;
 - an invitation of submissions regarding the changes to the proposed amended Local Law before the date specified in the notice.
- The MRC's Administration is to prepare a report to the Council the outlining any submissions / changes / recommendations and their merit.
- The MRC is then to consider the recommendations in the report and may, by an absolute majority, proceed with the Local Law as proposed, or make minor alterations to the extent that the final document is not significantly different to that which was put to public notice.
- The adopted Local Law is to be published in the Government Gazette, with a copy to be sent to the Minister, and a memorandum to be sent to the Parliament's Joint Standing Committee.
- A final local public notice is to be given after publication in Gazette.

DETAIL

The MRC Administration has completed an internal review of the Local Law in preparation for the formal review in line with Section 3.16 of the Act, see Appendix 6 *Proposed Mindarie Regional Council Waste Facility Site Local Law 2020*.

Section 3.12(2) of the Act states that the first action in the process of making a local law is for the Presiding Member to give notice to the meeting of the purpose and effect of the proposed

local law. Regulation 3 of the Local Government (Functions and General) Regulations 1996 states that this is achieved by ensuring that:

- (a) the purpose and effect of the proposed local law is included in the agenda for that meeting
- (b) the minutes of the meeting of the Council include the purpose and effect of the proposed local law.

The **purpose** of the proposed changes is to provide the MRC with a contemporary Local Law that governs activities at the Tamala Park waste facility.

The **effect** of the amendment is to assist the MRC administration to implement changes that reflect the MRC's current operating environment and to provide relevant fees and charges for enforceable offences at the Tamala Park waste facility.

A detailed summary of the proposed amendments' purpose and effect is detailed in Attachment 2.

CONSULTATION

The development of local laws requires statutory advertising and consultation with members of the public throughout the local law-making process. This includes:

- giving state-wide public notice advertising the proposed local law and inviting submissions to be made within no less than six weeks from the date of advertising, including:
 - advertising in a newspaper circulating throughout the state
 - displaying a public notice at the MRC Administration Building
 - displaying a public notice at the Member Council's public libraries and customer service centres
 - advertising on the MRC website
 - providing a copy of the notice and a copy of the proposed local law to the Minister responsible for the Act under which the proposed local law is being made.

STATUTORY ENVIRONMENT

The process for advertising the Local law is covered in s1.7 and s1.8 of the *Local Government Act 1995*, which reads as follows:

“1.7. Local public notice

(1) Where under this Act local public notice of a matter is required to be given, a notice of the matter is to be —

- (a) published in a newspaper circulating generally throughout the district; and*
- (b) exhibited to the public on a notice board at the local government's offices; and*
- (c) exhibited to the public on a notice board at every local government library in the district.*

(2) Unless expressly stated otherwise it is sufficient if the notice is —

- (a) published under subsection (1)(a) on at least one occasion; and*
- (b) exhibited under subsection (1)(b) and (c) for a reasonable time, being not less than —*
 - (i) the time prescribed for the purposes of this paragraph; or*
 - (ii) if no time is prescribed, 7 days.*

1.8. Statewide public notice

Where under this Act Statewide public notice of a matter is required to be given, section 1.7 applies except that the newspaper referred to in section 1.7(1)(a) is required to circulate generally throughout the State.”

The process for amending the text of a Local Law is covered in s3.12 of the *Local Government Act 1995*, which reads as follows:

“3.12 Procedure for making local laws

- (1) In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.*
- (2A) Despite subsection (1), a failure to follow the procedure described in this section does not invalidate a local law if there has been substantial compliance with the procedure.*
- (2) At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.*
- (3) The local government is to —*
 - (a) give local public notice stating that —*
 - (i) the local government proposes to make a local law the purpose and effect of which is summarized in the notice; and*
 - (ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*
 - (iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;*
 - and*
 - (b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and*
 - (c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*
- (4) After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.*

** Absolute majority required.*

- (5) After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.*
 - (6) After the local law has been published in the Gazette the local government is to give local public notice —*
 - (a) stating the title of the local law; and*
 - (b) summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and*
 - (c) advising that the local law is published on the local government’s official website and that copies of the local law may be inspected at or obtained from the local government’s office.*
-

(7) *The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.*

(8) *In this section —
making in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.*

3.13. *Procedure where significant change in proposal*

If during the procedure for making a proposed local law the local government decides to make a local law that would be significantly different from what it first proposed, the local government is to recommence the procedure.

3.14. *Commencement of local laws*

(1) *Unless it is made under section 3.17, a local law comes into operation on the 14th day after the day on which it is published in the Gazette or on such later day as may be specified in the local law.*

(2) *A local law made under section 3.17 comes into operation on the day on which it is published in the Gazette or on such later day as may be specified in the local law.*

[Section 3.14 amended: No. 1 of 1998 s. 9.]

3.15. *Local laws to be publicised*

A local government is to take reasonable steps to ensure that the inhabitants of the district are informed of the purpose and effect of all of its local laws.

3.16. *Periodic review of local laws*

(1) *Within a period of 8 years from the day when a local law commenced or a report of a review of the local law was accepted under this section, as the case requires, a local government is to carry out a review of the local law to determine whether or not it considers that it should be repealed or amended.*

(2) *The local government is to give local public notice stating that —*

(a) the local government proposes to review the local law; and

(b) a copy of the local law may be inspected or obtained at any place specified in the notice; and

(c) submissions about the local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given.

(3) *After the last day for submissions, the local government is to consider any submissions made and cause a report of the review to be prepared and submitted to its council.*

(4) *When its council has considered the report, the local government may determine* whether or not it considers that the local law should be repealed or amended.*

** Absolute majority required."*

STRATEGIC/COMMUNITY AND CORPORATE/BUSINESS PLAN IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Advertising cost of \$2000 for the statewide and local public notices.

COMMENT

Nil

VOTING REQUIREMENT

Absolute majority

RESPONSIBLE OFFICER RECOMMENDATION

That Council:

1. Approves the proposed amendment to the Mindarie Regional Council Waste Facility Site Local Law 2020 as detailed in Appendix 8 for the purposes of public advertising, under section 3.16 of the Local Government Act 1995; and
2. Notes that the MRC is to invite submissions to the amended Mindarie Regional Council Waste Facility Site Local Law 2020 by way of a statewide public notice; and
3. Notes that a copy of the proposed amendment to the Mindarie Regional Council Waste Facility Site Local Law 2020 will be sent to the Minister for Local Government under section 3.12 of the Act; and
4. Notes that the matter will be referred back to the Council after the last day for submissions in relation to the proposed amendment to the Mindarie Regional Council Waste Facility Site Local Law 2020.

Moved Cr Jacob, seconded Cr May

RESOLVED

That the recommendation be adopted

CARRIED UNANIMOUSLY (10/0)

9.5	MINDARIE REGIONAL COUNCIL MEETING PROCEDURES LOCAL LAW 2020
File No:	GF-20-0000550
Attachment(s):	Appendix 9 Proposed Mindarie Regional Council Meeting Procedures Local Law 2020 Appendix 10 Comparison Table Appendix 11 Mindarie Regional Council Standing Orders Amendment Local Law 2013
Date:	7 September 2020
Responsible Officer:	Chief Executive Officer

SUMMARY

The purpose of this report is to seek Council's approval to repeal the Mindarie Regional Council Standing Orders Local Law 2013 (Standing Orders) and propose the new Mindarie Regional Council Meeting Procedures Local Law 2020 (Local Law).

BACKGROUND

The existing Mindarie Regional Council Standing Orders Local Law 2013 (Amended) was adopted by Council on 4 July 2013. Section 3.16 of the Local Government Act 1995 (the Act) requires a periodic review of the Local Law, which for the Mindarie Regional Council falls due on 4 July 2021.

In summary, the review process requires:

- A statewide and local public notice to be given, this is to include:
 - a summary of the proposed amendments and their effect;
 - an invitation of submissions regarding the changes to the proposed amended Local Law before the date specified in the notice.
- The MRC's Administration is to prepare a report to the Council outlining any submissions / changes / recommendations and their merit.
- The MRC is then to consider the recommendations in the report and may, by an absolute majority, proceed with the Local Law as proposed, or make minor alterations to the extent that the final document is not significantly different to that which was put to public notice.
- The adopted Local Law is to be published in the Government Gazette, with a copy to be sent to the Minister, and a memorandum to be sent to the Parliament's Joint Standing Committee.
- A final local public notice is to be given after publication in Gazette.

DETAIL

The MRC Administration has completed an internal review of the Standing Orders in preparation for the formal review in line with Section 3.16 of the Act, see Appendix 9 *Proposed Mindarie Regional Council Meeting Procedures Local Law 2020*.

The review identified a number of opportunities to improve the overall arrangement and operation of the Local Law. The MRC used the WALGA template as the basis for the proposed

Local Law, and in addition, a number of member council local laws were referred to for comparison.

Due to the number of changes identified to the existing Standing Orders it is proposed that the current Standing Orders be repealed and a new local law created.

A comparison table is provided at Appendix 10 which demonstrates how the provisions of the Standing Orders have been incorporated into the proposed Local Law.

The procedure for making local laws is detailed in the Act and is a specific legislative process that must be adhered to in order for the local law to be accepted by the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation.

Section 3.12(2) of the Act states that the first action in the process of making a local law is for the Presiding Member to give notice to the meeting of the purpose and effect of the proposed local law. Regulation 3 of the Local Government (Functions and General) Regulations 1996 states that this is achieved by ensuring that:

- (a) the purpose and effect of the proposed local law is included in the agenda for that meeting
- (b) the minutes of the meeting of the Council include the purpose and effect of the proposed local law.

The **purpose** of the proposed Mindarie Regional Council Meeting Procedures Local Law 2020 is to provide the rules that apply to the conduct of meetings of the Council and its committees.

The **effect** of the Mindarie Regional Council Meeting Procedures Local Law 2020 is intended to result in:

- (a) better decision making by the Council and its committees
- (b) the orderly conduct of meetings dealing with Council business
- (c) better understanding of the process of conducting meetings
- (d) more efficient and effective use of time at meetings.

CONSULTATION

The development of local laws requires statutory advertising and consultation with members of the public throughout the local law-making process. This includes:

- giving state-wide public notice advertising the proposed local law and inviting submissions to be made within no less than six weeks from the date of advertising, including:
 - advertising in a newspaper circulating throughout the state
 - displaying a public notice at the MRC Administration Building
 - displaying a public notice at the Member Council's public libraries and customer service centres
 - advertising on the MRC website
 - providing a copy of the notice and a copy of the proposed local law to the Minister responsible for the Act under which the proposed local law is being made.
-

STATUTORY ENVIRONMENT

The process for advertising the Local law is covered in s1.7 and s1.8 of the *Local Government Act 1995*, which reads as follows:

“1.7. Local public notice

- (1) *Where under this Act local public notice of a matter is required to be given, a notice of the matter is to be —*
- (d) published in a newspaper circulating generally throughout the district; and*
 - (e) exhibited to the public on a notice board at the local government’s offices; and*
 - (f) exhibited to the public on a notice board at every local government library in the district.*
- (2) *Unless expressly stated otherwise it is sufficient if the notice is —*
- (c) published under subsection (1)(a) on at least one occasion; and*
 - (d) exhibited under subsection (1)(b) and (c) for a reasonable time, being not less than —*
 - (i) the time prescribed for the purposes of this paragraph; or*
 - (ii) if no time is prescribed, 7 days.*

1.8. Statewide public notice

Where under this Act Statewide public notice of a matter is required to be given, section 1.7 applies except that the newspaper referred to in section 1.7(1)(a) is required to circulate generally throughout the State.”

The process for amending the text of a Local Law is covered in s3.12 of the *Local Government Act 1995*, which reads as follows:

“3.12 Procedure for making local laws

- (1) *In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.*
- (2A) *Despite subsection (1), a failure to follow the procedure described in this section does not invalidate a local law if there has been substantial compliance with the procedure.*
- (2) *At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.*
- (3) *The local government is to —*
- (d) give local public notice stating that —*
 - (i) the local government proposes to make a local law the purpose and effect of which is summarized in the notice; and*
 - (ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*
 - (iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;*

and

- (e) *as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and*
 - (f) *provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*
- (4) *After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.*

** Absolute majority required.*

- (5) *After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.*
- (6) *After the local law has been published in the Gazette the local government is to give local public notice —*
- (d) *stating the title of the local law; and*
 - (e) *summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and*
 - (f) *advising that the local law is published on the local government's official website and that copies of the local law may be inspected at or obtained from the local government's office.*
- (7) *The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.*
- (8) *In this section —*
- making in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.*

3.13. *Procedure where significant change in proposal*

If during the procedure for making a proposed local law the local government decides to make a local law that would be significantly different from what it first proposed, the local government is to recommence the procedure.

3.14. *Commencement of local laws*

- (1) *Unless it is made under section 3.17, a local law comes into operation on the 14th day after the day on which it is published in the Gazette or on such later day as may be specified in the local law.*
- (2) *A local law made under section 3.17 comes into operation on the day on which it is published in the Gazette or on such later day as may be specified in the local law.*

[Section 3.14 amended: No. 1 of 1998 s. 9.]

3.15. *Local laws to be publicised*

A local government is to take reasonable steps to ensure that the inhabitants of the district are informed of the purpose and effect of all of its local laws.

3.16. *Periodic review of local laws*

- (1) *Within a period of 8 years from the day when a local law commenced or a report of a review of the local law was accepted under this section, as the case requires, a local government is to carry out a review of the local law to determine whether or not it considers that it should be repealed or amended.*
- (2) *The local government is to give local public notice stating that —*
 - (d) *the local government proposes to review the local law; and*
 - (e) *a copy of the local law may be inspected or obtained at any place specified in the notice; and*
 - (f) *submissions about the local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given.*
- (3) *After the last day for submissions, the local government is to consider any submissions made and cause a report of the review to be prepared and submitted to its council.*
- (4) *When its council has considered the report, the local government may determine* whether or not it considers that the local law should be repealed or amended.*

** Absolute majority required."*

STRATEGIC/COMMUNITY AND CORPORATE/BUSINESS PLAN IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Advertising costs of approximately \$2,000 for statewide, local public notices and Government Gazette.

COMMENT

Nil

VOTING REQUIREMENT

Absolute majority

RESPONSIBLE OFFICER RECOMMENDATION

That Council:

1. Approves the proposed Mindarie Regional Council Meeting Procedures Local Law 2020 as detailed in Attachment 1 for the purposes of public advertising, under section 3.16 of the Local Government Act 1995; and
2. Notes that the MRC is to invite submissions to the Mindarie Regional Council Meeting Procedures Local Law 2020 by way of a statewide public notice; and
3. Notes that a copy of the proposed Mindarie Regional Council Meeting Procedures Local Law 2020 will be sent to the Minister for Local Government under section 3.12 of the Act; and
4. Notes that the matter will be referred back to the Council after the last day for submissions in relation to the proposed Mindarie Regional Council Meeting Procedures Local Law 2020.

Moved Cr Cole, seconded Cr Proud

AMENDMENT 1 to the Meeting Procedures Local Law 2020, Part 6 Public Participation, Clause 6.7 (8) to delete the word 'two' and replace with the word three, so that the new clause reads 'A member of the public shall have three minutes to ask a question.

(CARRIED UNANIMOUSLY 10/0)

Moved Cr Cole, seconded Cr May

AMENDMENT 2 to the Meeting Procedures Local Law 2020, Part 6 Public Participation, Clause 6.9 to add the word 'Statement' so that the title of clause 6.9 now reads 'Deputations and Statements'; and that any consequential changes required to give effect to amendments 1 and 2 be made.

(CARRIED UNANIMOUSLY 10/0)

**Moved Cr Cole, seconded Cr Cvitan
RESOLVED**

That Council,

- 1. Approves the proposed Mindarie Regional Council Meeting Procedures Local Law 2020 as detailed in Attachment 1 for the purposes of public advertising, under section 3.16 of the Local Government Act 1995 with:**
 - a) Clause 6.7 (8) deleting the word ‘two’ and replacing with the word ‘three’, so that the new clause reads ‘A member of the public shall have three minutes to ask a question’;**
 - b) Clause 6.9 adding the word ‘Statement’ so that the title of clause 6.9 now reads ‘Deputations and Statements’;**
 - c) including any consequential changes to give effect to a) and b); and**
- 2. Notes that the MRC is to invite submissions to the Mindarie Regional Council Meeting Procedures Local Law 2020 by way of a statewide public notice; and**
- 3. Notes that a copy of the proposed Mindarie Regional Council Meeting Procedures Local Law 2020 will be sent to the Minister for Local Government under section 3.12 of the Act; and**
- 4. Notes that the matter will be referred back to the Council after the last day for submissions in relation to the proposed Mindarie Regional Council Meeting Procedures Local Law 2020.**

(CARRIED UNANIMOUSLY 10/0)

9.6	REVIEW OF COUNCIL POLICIES AND DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER
File No:	GF-20-0000032
Appendix(s):	Appendix 12 - Council Policies – with tracked changes Appendix 13 - Council Policies – clean copy
Attachment(s):	Attachment 1 - Register of Delegations
Date:	8 September 2020
Responsible Officer:	Chief Executive Officer

SUMMARY

The report seeks endorsement of the review undertaken by the Chief Executive Officer (CEO) on the current Council Policies and delegations to the CEO.

BACKGROUND

Sections 5.18 and 5.46 of the *Local Government Act 1995* (the Act) require that at least once every financial year, delegations are to be reviewed by the Council.

The MRC's Corporate Business plan requires that the Council Policies are relevant and reviewed by Council.

Council are requested to endorse the reviewed Delegations Register and Council Policies to ensure they are operating effectively, providing for efficient and timely administrative decisions and services in relation to discretionary decisions the Council has the ability to make by virtue of the Act and other statutes.

DETAIL

The 2020 annual review of the Register of Delegations of Authority and Council Policies and was undertaken to determine the appropriateness of existing delegations and Council Policies.

The Chief Executive Officer's review of the Register of Delegations and Council Policies identified a number minor changes.

Proposed amendments/additions to the Register of Delegations and Council Policies are submitted in Attachment 1 (Register of Delegations) and Appendices 12 and 13 (Council Policies).

The Register of Delegations identified only minor changes to text which can be found at Attachment 1.

A summary of the changes for the Council Policies is as follows:

CP01 – Annual Fees, Allowances and Expenses for Councillors
No change

CP02 – Affixing of the Common Seal
No change

CP03 – Councillor Arrangements when attending an Overseas/Interstate/Intrastate Conference
No Change

CP04 – Employee Arrangements when attending an Overseas/Interstate/Intrastate Conference
No change

CP05 - Deleted (removed by approval at OCM on 06/08/2018)

CP06 - Purchase of Goods and Services
Minor changes to incorporate State of Emergency conditions.

CP07 – Deleted (removed by approval at OCM on 20/8/2015)

CP08 - Provision and Use of Council Vehicles
No change

CP09 - Investments
No change

CP10 – Donations – Financial Assistance/Support
Minor change

CP11 – Use of Corporate Credit Cards
No change

CP12 – Gate Fee Setting
No change

CP13 – Budget Variance Reporting Threshold
No change

CP14 – Acting Chief Executive Officer Appointment
No change

CP15 – Employer/Employee Matching Community Contributions
No change

CP16 – Legal Representation for Mindarie Regional Council Elected Members, Committee Members, Committee Members and Employees
No Change

CP17 – Continuing professional development for Council Members
New draft policy for Council adoption

CP18 - IT Policy
New draft policy for Council adoption

EP01 – Environmental Policy
Minor change

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995

The following extracts from the Act relate to Council's obligations in the areas of policy development and delegations to the CEO.

“2.7. Role of Council

(1) The Council —

- (a) governs the local government's affairs; and*
- (b) is responsible for the performance of the local government's functions.*

(2) Without limiting subsection (1), the Council is to —

- (a) oversee the allocation of the local government's finances and resources; and*
- (b) determine the local government's policies.*

5.42. Delegation of some powers and duties to CEO

(1) A local government may delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under —*

- (a) this Act other than those referred to in section 5.43; or*
- (b) the Planning and Development Act 2005 section 214(2), (3) or (5).*

** Absolute majority required.*

(2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

5.43. Limits on delegations to CEO

A local government cannot delegate to a CEO any of the following powers or duties —

- (a) any power or duty that requires a decision of an absolute majority of the council;*
 - (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;*
 - (c) appointing an auditor;*
 - (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;*
 - (e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;*
 - (f) borrowing money on behalf of the local government;*
-

- (g) *hearing or determining an objection of a kind referred to in section 9.5;*
- (ha) *the power under section 9.49A (4) to authorise a person to sign documents on behalf of the local government;*
- (h) *any power or duty that requires the approval of the Minister or the Governor;*
- (i) *such other powers or duties as may be prescribed.”*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC/COMMUNITY AND CORPORATE/BUSINESS PLAN IMPLICATIONS

Strategic Community Plan 2018 -2037		
OBJECTIVE 1	Long Term Viability	
Sub Objective	Good Corporate Governance	
This report is required by legislation to ensure that the Council has the opportunity to review its current policies and the delegations it has provided to the Chief Executive Officer thus maintaining the relevance of the documents.		
Corporate Business Plan 2018 – 2037		
Strategies	Actions	Responsible Officer
1.1.2	Ensure Council Policies are relevant and reviewed by Council	CEO
1.1.3	Review the relevance of the delegations from the Council and report findings to Council	CEO
These actions ensure that an officer within the organisation, in this case the CEO, has a direct responsibility to review the current Council Policies and Instrument of Delegation and report the review findings to Council.		

COMMENT

The MRC is to keep a register of the delegations made and review the delegations at least once every financial year.

VOTING REQUIREMENT

Simple/Absolute Majority

RESPONSIBLE OFFICER RECOMMENDATION

That the Council:

1. Approve the addition of policy CP17 - Continuing professional development for Council Members.
2. Approve the addition of policy CP18 - IT Policy.
3. Retain the remaining Council Policies with changes as contained in Appendix 6.
4. Endorses the delegations made to the Chief Executive Officer as detailed in Attachment 1 of this report.
(absolute majority required)

Moved Cr Cole, seconded Cr Newton

RESOLVED

That the recommendation be adopted

(CARRIED UNANIMOUSLY 10/0)

ATTACHMENT 1
MINDARIE REGIONAL COUNCIL – Delegations of Authority Register
COUNCIL TO CHIEF EXECUTIVE OFFICER

1. GOVERNANCE				
No.	Reference	Delegation	Condition(s)	Assignee(s)?
1.1	LGAct 1995 s.9.10	Appoint persons or classes of persons to be authorised for the purposes of performing particular functions	Each authorised person to be issued with a certificate of authorisation	NO
1.2	LGAct 1995 s.5.42	Appoint an employee of the MRC to the position of Acting CEO where the CEO is unable, or expected to be unable by reason of illness, temporary absence from WA, or any other reason, to perform the functions of the position	Not exceeding 3 months in any period of 12 months	NO
2. FINANCE				
2.1	LG (Functions and General) Regulations 1996 Reg. 11A	Approve requisitions and purchase orders for the supply of goods and services	Requisitions and purchase orders to be within the budget allocation as reviewed from time to time	YES
2.2	LG(Financial Management Regulations) 1996 Reg.8	Open and close bank accounts, access accounts electronically and transfer funds electronically		YES
2.3	LG(Financial Management Regulations) 1996 Reg. 11, 12 and 13	Approve and make payment of accounts	1. In accordance with approved procedure set out in Reg.11; 2. Where funds have been provided in the budget and the accounts are acquitted prior to payment; 3. List of accounts paid to be reported to Council as required by Reg.13	YES
2.4	LG(Financial Management Regulations) 1996 Reg.34(1)(a)	Prepare monthly financial reports	In accordance with Reg.34	YES
2.5	LGAct s.6.14	Invest funds surplus to the immediate needs of the Council	Subject to the internal control procedures set out in Reg.19	YES
2.6	LGAct s.6.12	Waive Fees and Write Off Debts	1. Not exceeding a total of \$10,000 for any one debtor in any financial year; 2. Ensure all reasonable effort has been made to recover the debt; 3. Where fees or debts have been waived, or concessions granted, they are to be reported in the mid-year budget review	NO
2.7	LGAct s.3.57	Seek Expressions of Interest and/or call tenders for goods or services	For items listed on the budget and subsequently approved for proceeding by Council	YES
2.8	LG(Functions & General) Regs.14(2a) and 20	Vary contracts up to \$50,000 or 10% of the contract value, whichever is the lesser	1. For the RRFA only if it incurs no additional risk or liability to the MRC; 2. Variations approved for significant contracts, including all contracts awarded following public tenders, to be reported to the next following Council meeting	NO
2.9	LGAct s.3.58(5) and LG(Functions & General) Regs.30(3)	Dispose, which includes writing off, of property (assets)	1. The value of the property (assets) is less than \$20,000; 2. Ensure all reasonable effort has been made to secure current market prices for the item or material	NO

9.7	SPECIAL RATE FOR DISPOSAL OF RECYCLABLE MATERIAL AT TAMALA PARK
File No:	GF-20-0001436
Appendix(s):	Nil
Date:	8 September 2020
Responsible Officer:	Chief Executive Officer

At the Ordinary Council Meeting held on 2 July 2020, a procedural motion was carried to hold this item over to the next Council Meeting.

SUMMARY

The purpose of this report is to present to Council the additional information requested at the Ordinary Council Meeting (OCM) of 23 April 2020.

BACKGROUND

A fire at Cleanaway's Material Recovery Facility (MRF) in South Guildford on 25 November 2019 rendered the processing infrastructure used by a number of the Mindarie Regional Council's (MRC) member councils unavailable.

This resulted in some recyclable material being landfilled at Tamala Park. A request for the consideration of a discounted rate for member councils in respect of this material was received from a member council, discussed at the Strategic Working Group (SWG) meeting in December 2019 and presented to Council for consideration.

In response to reports on this matter presented to Council at the OCM of 27 February 2020 and at the OCM of 23 April 2020, at the OCM on 23 April 2020, it was resolved:

That Council:

- 1. Authorise the CEO and the Chairman to engage with the Environment Minister on the creation of additional strategic recycling capacity in the northern corridor, through the identification of preferred sites, and through the provision of incubation funding from the WARR account for a defined period of time.*
 - 2. Requests a further report investigating the option to provide a special rate to Member Councils for the disposal of recycling materials at Tamala Park Landfill between 25 November 2019 and 30 June 2020 taking into consideration the recycling processing market rate/s at the time and the information stipulated in the reasons for the amendment.*
-

The reasons for amendment included the following narrative and nine specific points:

A reduced rate equivalent to the current market recycling processing rate is considered to be a fairer proposition. To enable an informed decision on this matter, the report needs to provide further information as per the following questions:

- 1. It appears that not all questions asked by Councillors at MRC OCM on 27 February 2020 have been answered in the additional information to Item 9.3. Could Administration provide a copy of all questions that were asked by Councillors relating to this item and Administration's answers in the order they were asked?*
- 2. Was the offer of a reduced rate to accept recycling materials at Tamala Park Landfill made to all member councils or to only some of them?*
- 3. What was the basis of this offer – presumably to demonstrate a regional approach? Could Administration advise and confirm that this is the case?*
- 4. When this issue was first discussed at the December SWG meeting, how was the proposal to provide a potentially reduced gate fee to affected member councils received?*
- 5. Please provide financial modelling on the anticipated financial impact of the COVID-19 Pandemic on MRC and how this impacts on the revised recommendation, as presented by Administration;*
- 6. An \$80/tonne difference between the rates of \$205/tonne and \$125/tonne will equate to \$294,800. Does Administration think that this additional revenue to MRC will have a material impact on the Gate Fee for 2020/21?*
- 7. Why has no comment been provided within the officer's report to offer a non-member's gate fee for any affected member councils?*
- 8. Why was no consideration given to offer a rate equivalent to the current market recycling processing rate, which would have been a fairer proposition?*
- 9. Could Administration confirm if this potential offer to member councils was first discussed and proposed when the impact of the Cleanaway fire was unknown on the four of the seven member councils that had Cleanaway as a contractor? If yes and had there been an opportunity for MRC to consider a reduced rate then, would Administration have recommended a reduced rate or not?*

DETAIL

The MRC does not have direct access to information on market rates for recycling of yellow bin material. Only two councils responded to the MRC's request for information on their per tonne recycling rates. Based on research into publicly available information, it would appear that recycling rates currently range anywhere between \$50 and \$140 per tonne¹.

¹ <https://www.watoday.com.au/national/western-australia/please-keep-recycling-perth-urged-to-trust-the-system-after-landfill-crisis-20200226-p544oa.html>

The MRC currently charges member councils \$205 per tonne for waste delivered to the MRC.

The original officer recommendation in the 27 February 2020 report to Council recommended a discounted rate of \$125 per tonne in respect of kerbside recycling material that would otherwise have gone to Cleanaway for processing, applicable to the recycling material sent to the MRC between 25 November 2019 and 30 June 2020.

Council has the option to provide a discounted rate, that it determines is appropriate, to member councils for the disposal of recycling materials at Tamala Park for the period specified, through an absolute majority decision.

Responses to the specific questions raised at the OCM on 23 April 2020 are provided below.

Q0. *A reduced rate equivalent to the current market recycling processing rate is considered to be a fairer proposition.*

A0. It is unclear to whom this would present a 'fairer proposition' and given that market rates range between \$50 and \$140 per tonne, it is unclear on what basis an objective 'market rate' would be determined.

Q1. *It appears that not all questions asked by Councillors at MRC OCM on 27 February 2020 have been answered in the additional information to Item 9.3. Could Administration provide a copy of all questions that were asked by Councillors relating to this item and Administration's answers in the order they were asked?*

A1. The MRC has the following questions recorded from the OCM on 27 February 2020 in no particular order:

Q1.1 Should the councillors from councils affected by the proposal have made a declaration of interest?

MRC. This would seem to be impractical and inappropriate given that every item that MRC councillors deal with which has a financial impact, by default, has an impact on their nominating local government.

Q1.2 Would it not be more appropriate to charge the affected councils the casual (non-members') gate rate?

MRC. Refer the answer to Question 7.

Q1.3 Would it not be a better proposition to charge the affected councils the market rate for recycling?

MRC. Refer the answer to Question 8.

Q1.4 Would providing the reduced rate to the affected Councils not simply be subsidising Cleanaway?

MRC. The MRC is not privy to the member councils' commercial arrangements with Cleanaway and what contractual protections they might contain to recover additional cost / losses from Cleanaway. The individual member councils would be better placed to be able to answer this question.

Q1.5 What other recycling processing capacity is there in Perth?

MRC. There are only three MRF operators in Perth, Cleanaway, SUEZ and the Southern Metropolitan Regional Council (SMRC).

SUEZ and the SMRC have expanded their operations by adding additional shifts to run their MRFs for longer and at a higher throughput.

Based on the information we have, all the contents of the yellow-lidded bins coming from the MRC's member councils are now being processed through a MRF, rather than going to landfill.

Q1.6 Which member councils had been impacted by the fire and which councils had brought recycling tonnes to the MRC?

MRC. The Cities of Joondalup, Wanneroo and Vincent and the Town of Victoria Park all had contracts with Cleanaway. Only the City of Wanneroo has delivered any recycling tonnes to the MRC.

Q2. Was the offer of a reduced rate to accept recycling materials at Tamala Park Landfill made to all member councils or to only some of them?

A2. The report submitted to the 27 February 2020 OCM refers. The original proposal put to Council was to provide a discounted rate to all member councils impacted by the Cleanaway fire.

Q3. What was the basis of this offer – presumably to demonstrate a regional approach? Could Administration advise and confirm that this is the case?

A3. The Comments section of the report submitted to the 27 February 2020 OCM refers, where the intent of the report was expressed.

“The unforeseen failure of a significant commercial contractor in the WA market has resulted in a crisis situation for a number of member councils.

Rather than take full commercial advantage of the situation, the MRC is looking to support affected member councils through the provision of a discounted rate for recyclable materials that would otherwise have been processed by Cleanaway.”

Q4. *When this issue was first discussed at the December SWG meeting, how was the proposal to provide a potentially reduced gate fee to affected member councils received?*

A4. There was a neutral response to the proposition – it was neither strongly endorsed, nor strongly opposed.

Q5. *Please provide financial modelling on the anticipated financial impact of the COVID-19 Pandemic on MRC and how this impacts on the revised recommendation, as presented by Administration;*

A5. As a result of the COVID-19 Pandemic, the re-use shop has been closed for roughly 4 months, resulting in direct loss of revenue of approximately \$140,000. The MRC has also had an increase in staff costs as a result of changes to rosters as a result of the pandemic. Overall however, it is not anticipated that COVID-19 will have had a material impact on the MRC's financial position for 2019/20.

Where the pandemic will have a material impact, is on the 2020/21 financial year as the MRC budgets toward a zero increase in the members' gate fee in support of its member councils. Based on the initial budget presentation for 2020/21, the MRC is forecasting a \$3.3 million deficit.

Q6. *An \$80/tonne difference between the rates of \$205/tonne and \$125/tonne will equate to \$294,800. Does Administration think that this additional revenue to MRC will have a material impact on the Gate Fee for 2020/21?*

A6. \$80 per tonne applied to the 3,685 tonnes of recycling material that the City of Wanneroo delivered to the MRC during the period under consideration equates to \$294,800.

The MRC is set to incur a \$3.3 million deficit in 2020/21 based on the first version of the budget. Given that \$294,800 represents close to 10% of that forecast deficit, it could be considered to be material.

Q7. *Why has no comment been provided within the officer's report to offer a non-member's gate fee for any affected member councils?*

A7. The non-members' gate fee is currently \$194 per tonne and does not represent a significant discount to the members' gate fee of \$205 per tonne. The intention at the time for first drafting was to provide a more meaningful discounted rate that covered the MRC's direct costs of landfilling the material and yielded a reasonable contribution margin.

Q8. *Why was no consideration given to offer a rate equivalent to the current market recycling processing rate, which would have been a fairer proposition?*

-
- A8. Based on publicly available information, market rates at the time were as low as - \$50 per tonne in some instances or as high as \$150 per tonne. The \$125 rate originally proposed was closer to the top end of that range.

It is also worth noting that there is no uniform '*current market recycling processing rate*'. Member councils have individual contracts with different recyclers at a variety of rates and so it is unclear on what basis an objective 'market rate' would be determined.

-
- Q9. *Could Administration confirm if this potential offer to member councils was first discussed and proposed when the impact of the Cleanaway fire was unknown on the four of the seven member councils that had Cleanaway as a contractor? If yes and had there been an opportunity for MRC to consider a reduced rate then, would Administration have recommended a reduced rate or not?*

- A9. The idea of a discounted rate was first discussed at the Strategic Working Group meeting on 4 December 2019. A report was subsequently distributed to Council on 14 February 2020. On the same day, the SMRC issued a press release noting that they had reached a processing agreement with Cleanaway.² Up to that point, there was no certainty as to the future of the recyclables originating from the member councils contracted with Cleanaway. As a result, the MRC's report issued on the same day was advocating for a discounted rate for the affected member councils.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Nil

STRATEGIC/COMMUNITY AND CORPORATE/BUSINESS PLAN IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

In the period from 25 November 2019 and 30 June 2020 the MRC has received 3,685 tonnes of recyclable material from the City of Wanneroo at the members' gate fee of \$205 per tonne, generating \$775,425 in unbudgeted revenue.

Based on the proposed budgeted for 2020/21 the MRC has kept its members' gate fee static at \$205 per tonne, which will yield a forecast deficit of \$3.3 million.

COMMENT

When the matter of a discounted rate for recyclables being sent to landfill at Tamala Park was first discussed in December 2019, there was an expectation that more than one of the member councils may make use of Tamala Park to dispose of their material.

² <https://smrc.com.au/media-release-agreement-reached-to-divert-recyclables/>

At the time the original report and recommendation were drafted, the continuation of Cleanaway's temporary arrangement with the SMRC for processing recyclables was uncertain.

Given the recent impact of the COVID-19 pandemic on the MRC's member councils and their ratepayers, it seems more appropriate that the MRC focus on reducing its forecast budget deficit for 2020/21 rather than providing a discounted rate for the material in question.

VOTING REQUIREMENT

Simply majority

ORIGINAL RESPONSIBLE OFFICER RECOMMENDATION

That Council note the officer's report.

Moved Cr Fishwick, seconded Cr Cole

Cr Newton foreshadowed an alternate motion:

FORESHADOWED ALTERNATE MOTION

That Council:

1. note the officer's report;
2. approves the charging of a discounted rate of \$150 per tonne, equivalent to an estimate of the currently available recycling market rate, effective from 25 November 2019 and to be reviewed annually as part of the budget process, to any member council for comingled recyclable materials disposed of at Tamala Park Landfill, in the event that those member councils' respective recycling contractor's facility is not available to receive recyclable materials; and
3. approves that the funding of the retrospective application of the discounted rate in 2) as part of the 2020/21 midyear budget review.
(Absolute majority required)

REASON FOR ALTERNATE MOTION

It is important for Mindarie Regional Council to provide a regional service to all members. The amendment offers the members a provision to dispose of their recyclable materials at Tamala Park at the rate equivalent to the recycling market rate at that time in the event their respective recycling facility is unavailable as was the case in November 2019 when Cleanaway's facility was destroyed in a fire.

A reduced rate equivalent to the prevailing market recycling processing rate is considered to be a fairer proposition.

PROCEDURAL MOTION

Moved Cr Newton, seconded Cr Cvitan

RESOLVED

To defer the item to the next Council meeting.

(CARRIED 7/4)

For Crs Boothman, Cvitan, Cole, Ferrante, Newton, Shannon, Vernon

Against: Crs Fishwick, Proud, Sargent, Taylor

ADDITIONAL COMMENTARY PROVIDED FOR OCM 24 SEPTEMBER 2020

Based on its preliminary financial position for the 2019/2020 financial year, the MRC is expected to reflect a \$1 million deficit.

Based on the final 2020/2021 budget, the MRC is expecting to reflect a \$4.2 million deficit, prior to any impact of the recent business restructuring. This is as a direct result of the MRC not increasing its gate fees for members in the year to assist them in managing the impacts of the COVID-19 pandemic.

With the cumulative effective of these successive deficit result results, it is not recommended that any discounts be provided to member councils for any of their recyclable materials brought to landfill at Tamala Park.

REVISED RESPONSIBLE OFFICER RECOMMENDATION

That Council:

1. note the officer's report; and
 2. resolves not to provide a discounted fee to member councils in respect of any of their recyclable materials brought to landfill at Tamala Park.
-

At the Ordinary Council meeting on 24 September 2020, Council voted on the substantive motion moved by Cr Fishwick at the Ordinary Council meeting on 02 July 2020.

(LOST 0/10)

An alternative motion was then moved in line with the officer's revised recommendation.

**Moved Cr Jacob, seconded Cr Cole
RESOLVED**

That Council:

- 1. note the officer's report; and**
- 2. resolves not to provide a discounted fee to member councils in respect of any of their recyclable materials brought to landfill at Tamala Park.**

(CARRIED 8/2)

*For: Crs Boothman, Proud, Ferrante, Sargent, Jacob, May, Cole, Vernon
Against: Crs Cvitan, Newton*

10 MEMBERS INFORMATION BULLETIN – ISSUE NO. 55

RESPONSIBLE OFFICER RECOMMENDATION

That the Members Information Bulletin Issue No. 55 be received.

**Moved Cr Proud, seconded Cr Sargent
RESOLVED**

That the recommendation be adopted

(CARRIED UNANIMOUSLY 10/0)

11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12 URGENT BUSINESS

Nil

13 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

14 MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC

The Chair requested that in accordance with clause 7.1(e) of the Mindarie Regional Council Standing Orders Local Law 2012 and s5.23 of the Local Government Act 1995, Council proceed to meet “behind closed doors” to allow the Council to consider items 14.1 and 14.2 as the items are of a confidential nature.

The Chair invited MRC Officers and members of the MRC Project Working Group (PWG) and MRC officers to remain in the meeting in the meeting for item 14.1. The Chair requested members of the public to leave the public gallery.

The Chair announced that there were no limitations on the number of speeches made in accordance with clause 7.9(4) of the Mindarie Regional Council Standing Orders Local Law 2012.

**Moved Cr Boothman, seconded Cr Proud
RESOLVED**

**To close the meeting to the public
(CARRIED UNANIMOUSLY 10/0)**

Doors closed at 7.28 pm.

The MRC officers and members of the PWG remained in the public gallery. There was one member of the public present and this person left the Council Chambers.

Note: The Chief Executive Officer has not released the reports for items 14.1 and 14.2 for public information.

This report is Confidential and dealt with in a confidential session, under Section 5.23 (2) (c) of the *Local Government Act 1995* as the report deals with a matter where a contract is entered into.

14.1 Proposed RRFA KPI suspension	
File No:	GF – 20 - 0000811
Attachments(s):	Nil
Date:	9 September 2020
Responsible Officer:	Chief Executive Officer

RESPONSIBLE OFFICER RECOMMENDATION

That the Council:

Endorse the indefinite suspension of the QC KPIs in respect of Soluble Phosphorus and Electrical Conductivity under the RRFA.

**Moved Cr Newton, seconded Cr May
RESOLVED**

**That the recommendation be adopted
(CARRIED UNANIMOUSLY 10/0)**

The meeting remained closed to the public for the next item, item 14.2 CEO Performance Review.

The Chair requested that the following persons leave the Council Chambers/Public Gallery:

- MRC Chief Executive Officer
- MRC Director Corporate Services
- All other MRC Officers except for Manager HR and Governance Officer
- All Member Council PWG Officers

All officers left the meeting at 7.32 pm, Ms Cherico and Ms Toward remained in their seats.

This report is Confidential and dealt with in a confidential session, under Section 5.23 (2) (a) of the *Local Government Act 1995* as the report deals with a matter affecting an employee.

14.2 CEO PERFORMANCE REVIEW

File No:	GOVERNANCE – MRC Membership – Committees GF – 20 - 000044
Attachments(s):	1. Summary Report to Council – CEO Performance Review 2019/20
Date:	21 September 2020
Responsible Officer:	Manager Human Resources

RECOMMENDATION

That Council:

1. Notes that the appraisal of Gunther Hoppe, Chief Executive Officer, has been undertaken for the period of 7 September 2019 to 6 September 2020.
2. Endorses the findings of the 2019/2020 Performance Review Report as presented by Price Consulting.
3. Endorses that no increase will be applied to the CEO's Total Remuneration package this year.
4. Approves the CEO's Performance Criteria for the 2020/2021 period, as per attachment 1.

Moved Cr Jacob, seconded Cr May

RESOLVED

That the recommendation be adopted

(CARRIED UNANIMOUSLY 10/0)

Motion to reopen the meeting

Moved Cr Proud, Seconded Cr Cvitan

RESOLVED

That the meeting be reopened

(CARRIED UNANIMOUSLY 10/0)

Doors were reopened 7.48 pm and the Chair declared the meeting reopened.

Mr Hoppe and Ms Slater returned to their seats. No other persons returned to the Public Gallery. The Chair noted the resolutions passed behind closed doors.

15 NEXT MEETING

The next Ordinary Council meeting to be held on Thursday 22 October 2020 in the Council Chambers at the Town of Victoria Park commencing at 6.30 pm.

16 CLOSURE

The Chair closed the meeting at 7.48pm and thanked the City of Vincent for their hospitality and use of their meeting facilities.

SignedChair

Dated day of2020



Ordinary Meeting of Council

MINUTES

**Thursday 8 October 2020, 6:00pm
City of Wanneroo
23 Dundobar Road, Wanneroo**

Constituent Members: Cities of Perth, Joondalup, Stirling, Vincent and Wanneroo
Towns of Cambridge and Victoria Park

TABLE OF CONTENTS

MEMBERSHIP	4
1. OFFICIAL OPENING.....	6
DISCLOSURE OF INTERESTS	6
2. PUBLIC STATEMENT/QUESTION TIME	6
3. APOLOGIES AND LEAVE OF ABSENCE.....	6
4. PETITIONS	6
5. CONFIRMATION OF MINUTES.....	6
5A BUSINESS ARISING FROM MINUTES	6
6. ANNOUNCEMENTS BY CHAIR (WITHOUT DISCUSSION).....	6
7. MATTERS FOR WHICH MEETING MAY BE CLOSED.....	7
8. COUNCIL REPORTS 8.1 – 8.6	7
8.1 BUSINESS REPORT – PERIOD ENDING 24 SEPTEMBER 2020.....	7
8.5 SALES AND SETTLEMENT REPORT – PERIOD ENDING 1 OCTOBER 2020.....	7
8.2 STATEMENTS OF FINANCIAL ACTIVITY FOR THE MONTHS OF JULY & AUGUST 2020.....	7
8.3 LIST OF MONTHLY ACCOUNTS SUBMITTED FOR THE MONTHS OF JULY & AUGUST 2020	8
8.4 PROJECT FINANCIAL REPORT – AUGUST 2020.....	8
8.6 COUNCIL MEETING SCHEDULE 2021.....	8
9. COMMITTEE REPORTS 9.1 - 9.7.....	9
AUDIT COMMITTEE (17 SEPTEMBER 2020)	9
9.1 REVIEW OF THE AUDITOR’S REPORT FOR THE FINANCIAL YEAR ENDED 30 JUNE 2020.....	9
9.2 TPRC ANNUAL FINANCIAL REPORT FOR THE YEAR 1 JULY 2019 TO 30 JUNE 2020.....	9
9.3 FINANCIAL MANAGEMENT – SIGNIFICANT ACCOUNTING POLICIES REVIEW 2020.....	9
MANAGEMENT COMMITTEE (17 SEPTEMBER 2020).....	9
9.4 CATALINA PROJECT WEBSITE	9
9.5 REVIEW OF DELIVERABLES - DEVELOPMENT MANAGER’S KEY PERFORMANCE INDICATORS – CONFIDENTIAL	10
9.6 KEY PERSONNEL – DEVELOPMENT MANAGER / PROJECT RESOURCING – CONFIDENTIAL.....	10
9.7 MINDARIE REGIONAL COUNCIL LANDFILL BUFFER – GROUNDWATER MONITORING UPDATE - CONFIDENTIAL.....	10
10.1 BUILT FORM PARTNERSHIP – STAGE 18 – UPDATE - CONFIDENTIAL	11
10.2 CATALINA CENTRAL LOCAL CENTRE SITE – CHANGE OF OWNERSHIP AND AMENDED CONTRACTUAL TERMS – CONFIDENTIAL.....	12
11. ELECTED MEMBERS MOTIONS OF WHICH NOTICE HAS BEEN GIVEN	12

12. QUESTIONS BY ELECTED MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN	12
13. URGENT BUSINESS APPROVED BY THE CHAIR.....	12
14. MATTERS BEHIND CLOSED DOORS	13
15. GENERAL BUSINESS	13
16. FORMAL CLOSURE OF MEETING	13

TAMALA PARK REGIONAL COUNCIL

MEMBERSHIP

OWNER COUNCIL	MEMBER	ALTERNATE MEMBER
Town of Cambridge	Cr Andres Timmermanis (DEPUTY CHAIR)	Cr Gary Mack
City of Joondalup	Cr John Chester Cr Phillipa Taylor	Cr Christopher May Cr Suzanne Thompson
City of Perth	Cmr Andrew Hammond	Cmr Gaye McMath
City of Stirling	Cr Karen Caddy (CHAIR) Cr David Lagan Cr Suzanne Migdale Cr Bianca Sandri	Cr Karlo Perkov
Town of Victoria Park	Cr Claire Anderson	
City of Vincent	Mayor Emma Cole	Cr Joanne Fotakis
City of Wanneroo	Cr Brett Treby Cr Domenic Zappa	Cr Natalie Sangalli Cr Vinh Nguyen

PRESENT

Chair	Cr Karen Caddy
Councillors	Cr Claire Anderson Cr John Chester Cmr Andrew Hammond Cr Bianca Sandri Cr Brett Treby
Alternate Members	Cr Joanne Fotakis
Staff	Mr Michael Quirk (Acting Chief Executive Officer) Mr Simon O’Sullivan (Manager Project Coordination) Ms Vickie Wesolowski (Executive Assistant)
Apologies Councillors	Mayor Emma Cole Cr David Lagan Cr Suzanne Migdale Cr Philippa Taylor Cr Andres Timmermanis Cr Domenic Zappa
Leave of Absence	Mr Tony Arias (Chief Executive Officer)
Absent	Nil
Consultants	Mr Alan Abel (Satterley Property Group) Mr Carl Buckley (Satterley Property Group) Ms Renata Steenland (Satterley Property Group) Ms Bryony Yuill (Satterley Property Group)
Apologies Participant Councils’ Advisers	Mr Stuart Jardine (City of Stirling) Mr John Giorgi (Town of Cambridge) Mr Anthony Vuleta (Town of Victoria Park) Ms Michelle Reynolds (City of Perth) Mr Daniel Simms (City of Wanneroo) Mr David MacLennan (City of Vincent)
In Attendance Participant Councils’ Advisers	Mr Garry Hunt (City of Joondalup) Mr Mat Humfrey (City of Joondalup) Mr Stevan Rodic (City of Stirling) Ms Noelene Jennings (City of Wanneroo)
Members of the Public	Nil
Press	Nil

1. OFFICIAL OPENING

The Chair declared the meeting open at 6:13pm and welcomed Cr Fotakis to the Tamala Park Regional Council Meeting.

DISCLOSURE OF INTERESTS

Cr Fotakis advised a Disclosure of Interest – Impartial Interest in relation to Item 10.1 (there has been an association with one of the consultants under the tender).

2. PUBLIC STATEMENT/QUESTION TIME

Nil

3. APOLOGIES AND LEAVE OF ABSENCE

Apologies: Mayor Cole
Cr Lagan
Cr Migdale
Cr Taylor
Cr Timmermanis
Cr Zappa

Leave of Absence: Mr Arias

4. PETITIONS

Nil

5. CONFIRMATION OF MINUTES

Ordinary Meeting of Council – 20 August 2020

Moved Cr Treby, Seconded Cr Sandri.

That the minutes of the Ordinary Meeting of Council of 8 August 2020 be confirmed, and signed by the Chair, as a true and correct record of proceedings.

The Motion was put and declared CARRIED (7/0).

5A BUSINESS ARISING FROM MINUTES

Nil

6. ANNOUNCEMENTS BY CHAIR (WITHOUT DISCUSSION)

Nil

7. MATTERS FOR WHICH MEETING MAY BE CLOSED

- 9.5 Review of Deliverables – Development Manager’s Key Performance Indicators - Confidential
- 9.6 Key Personnel – Development Manager / Project Resourcing – Confidential
- 9.7 Mindarie Regional Council Landfill Buffer – Groundwater Monitoring Update - Confidential
- 10.1 Built Form Partnership – Stage 18 – Confidential
- 10.2 Catalina Central Local Centre Site – Change of Ownership - Confidential

8. COUNCIL REPORTS 8.1 – 8.6

8.1 BUSINESS REPORT – PERIOD ENDING 24 SEPTEMBER 2020

Moved Cr Treby, Seconded Cr Chester.

[The recommendation in the agenda]

That the Council RECEIVES the Business Report to 24 September 2020.

The Motion was put and declared CARRIED (7/0).

8.5 SALES AND SETTLEMENT REPORT – PERIOD ENDING 1 OCTOBER 2020

Moved Cr Sandri, Seconded Cr Treby.

[The recommendation in the agenda]

That the Council RECEIVES the Sales and Settlement Report to 1 October 2020.

The Motion was put and declared CARRIED (7/0).

The recommendations for Items 8.2, 8.3, 8.4 and 8.6 were moved and seconded en bloc.

Moved Cr Treby, Seconded Cr Chester.

8.2 STATEMENTS OF FINANCIAL ACTIVITY FOR THE MONTHS OF JULY & AUGUST 2020

[The recommendation in the agenda]

That the Council RECEIVES and NOTES the Statements of Financial Activity for the months ending:

- 31 July 2020; and
- 31 August 2020.

8.3 LIST OF MONTHLY ACCOUNTS SUBMITTED FOR THE MONTHS OF JULY & AUGUST 2020

[The recommendation in the agenda]

That the Council RECEIVES and NOTES the list of accounts paid under Delegated Authority by the CEO for the months of July and August 2020:

- **Month ending 31 July 2020 (Total \$274,849.97)**
- **Month ending 31 August 2020 (Total \$200,189.45)**
- **Total Paid - \$475,039.42**

8.4 PROJECT FINANCIAL REPORT – AUGUST 2020

[The recommendation in the agenda]

That the Council RECEIVES the Project Financial Report (August 2020) submitted by the Satterley Property Group.

8.6 COUNCIL MEETING SCHEDULE 2021

[The recommendation in the agenda]

- 1. That the schedule of Ordinary Council meetings dates be APPROVED for 2021 as follows:**
 - **18 February 2021 (Town of Cambridge)**
 - **15 April 2021 (City of Joondalup)**
 - **17 June 2021 (City of Perth)**
 - **19 August 2021 (City of Stirling)**
 - **14 October 2021 (City of Wanneroo)**
 - **9 December 2021 (City of Vincent)**
- 2. That the commencement time for Council meetings be 6:00pm.**
- 3. That Council meetings be held on a rotational basis at participant Council premises.**
- 4. That the schedule of Management Committee meetings dates be APPROVED for 2021 as follows:**
 - **18 March 2021**
 - **20 May 2021**
 - **15 July 2021**
 - **16 September 2021**
 - **18 November 2021**
- 5. That the Management Committee meetings be held at the City of Stirling and the commencement time be 6:00pm.**
- 6. That the schedule of meeting dates be advertised as required by the *Local Government Act 1995*.**

The Motions were put and declared CARRIED en bloc (7/0).

The recommendations for Items 9.1, 9.2, 9.3 and 9.4 were moved and seconded en bloc.

Moved Cr Sandri, Seconded Cr Fotakis.

9. COMMITTEE REPORTS 9.1 - 9.7

AUDIT COMMITTEE (17 SEPTEMBER 2020)

9.1 REVIEW OF THE AUDITOR'S REPORT FOR THE FINANCIAL YEAR ENDED 30 JUNE 2020

[The recommendation in the agenda]

That the Council:

- 1. RECEIVES the Auditor's Report for the financial year ended 30 June 2020.**
- 2. In relation to Item 2 - Presentation of Financial Activity Statement of the Audit Report APPROVE the Audit Committee meeting on a bi-monthly basis, on alternative months to Council meetings, to consider Statements of Financial Activity; and that the monthly Statements of Financial Activity be circulated to Council members on a monthly basis.**
- 3. NOTES that the Council's Auditor (Butler Settineri) met with the Audit Committee at its meeting of 17 September 2020 to discharge the statutory obligation to meet with the Local Government at least once per annum.**

9.2 TPRC ANNUAL FINANCIAL REPORT FOR THE YEAR 1 JULY 2019 TO 30 JUNE 2020

[The recommendation in the agenda]

That the Council RECEIVES the Annual Financial Report for the year ended 30 June 2020 and that it be INCLUDED in the Annual Report.

9.3 FINANCIAL MANAGEMENT – SIGNIFICANT ACCOUNTING POLICIES REVIEW 2020

[The recommendation in the agenda]

That the Council APPROVES the Financial Management – Significant Accounting Policies (September 2020).

MANAGEMENT COMMITTEE (17 SEPTEMBER 2020)

9.4 CATALINA PROJECT WEBSITE

[The recommendation in the agenda]

That the Council NOTES the Satterley Property Group advice dated 20 July 2020 in relation to the Catalina Project website.

The Motions were put and CARRIED en bloc (7/0).

Moved Cr Sandri, Seconded Cr Treby.

That the Meeting be CLOSED to the public.

The Motion was put and declared CARRIED (7/0).

9.5 REVIEW OF DELIVERABLES - DEVELOPMENT MANAGER'S KEY PERFORMANCE INDICATORS – CONFIDENTIAL

Moved Cr Sandri, Seconded Cr Chester.

[The recommendation in the Agenda]

That the Item be held over to the Management Committee meeting of 12 November 2020 and that the Satterley Property group be requested to provide information on the achievement of the measures as required by the revised Development Manager's KPIs, approved 20 February 2020.

The Motion was put and declared CARRIED (7/0).

9.6 KEY PERSONNEL – DEVELOPMENT MANAGER / PROJECT RESOURCING – CONFIDENTIAL

Moved Cr Sandri, Seconded Cr Treby.

[The recommendation in the Agenda]

That the Council APPROVES the appointment of the following key personnel pursuant to Clause 4.5 of the Development Management Agreement:

Name of Replacement Person	Position
Julia Nelson	Development Manager

9.7 MINDARIE REGIONAL COUNCIL LANDFILL BUFFER – GROUNDWATER MONITORING UPDATE - CONFIDENTIAL

Moved Cr Treby, Seconded Cr Anderson.

That the Council RECEIVES the update on groundwater monitoring.

The Motion was put and declared CARRIED (7/0).

Moved Cr Sandri, Seconded Cr Treby.

That Standing Orders be suspended to allow Confidential Item 10.1 to be discussed.

The Motion was put and CARRIED (7/0).

10.1 BUILT FORM PARTNERSHIP – STAGE 18 – UPDATE - CONFIDENTIAL

Moved Cr Sandri, Seconded Cr Treby.

That Standing Orders be resumed.

The Motion was put and CARRIED (7/0).

[The recommendation in the agenda]

That the Council:

1. NOTES that negotiations with Schlager Group/David Barr Architects/Josh Burns and Associates as the preferred tenderer on Tender 05/19 have failed to reach agreement on satisfactory project management and development arrangements for the Stage 18 grouped housing site.
2. AGREES to cease negotiations with Schlager Group/David Barr Architects/Josh Burns and Associates.
3. ADVISES Schlager Group/David Barr Architects/Josh Burns and Associates of the Council's decision to cease negotiations and EXPRESSES its thanks for their effort in attempting to negotiate a suitable development outcome.
4. REQUIRES the Satterley Property Group to prepare an appropriate subdivision and development option, consistent with the Council's objectives for the Stage 18 site and cognisant of market conditions.

Moved Cr Chester, Seconded Cmr Hammond.

[An Alternative Motion]

That the Council:

1. **AGREES to provide Schlager Group/David Barr Architects/Josh Burns and Associates an additional 14 days to provide the following information to inform the preparation of a Project Plan and Project Budget that sets out satisfactory project management and development arrangements for the Stage 18 grouped housing site including:**
 - i) **Details and pricing of the proposed sustainability initiatives to be incorporated into the development;**
 - ii) **Dwelling design plans that comply with the Catalina Central Design Guidelines; and**
 - iii) **Detailed dwelling construction costs and included specifications.**
2. **In the event that satisfactory information set out in 1. above is not provided CEASES negotiations with Schlager Group/David Barr Architects/Josh Burns and Associates:**

- i) expresses its thanks for their effort in attempting to negotiate a suitable development outcome;
- ii) requires the Satterley Property Group to prepare an appropriate subdivision and development option for the Stage 18 site that is consistent with the Council's objectives, is cognisant of market conditions and provides opportunities to achieve sustainable and innovative built form within the development.

The Motion was put and declared CARRIED (7/0).

10.2 CATALINA CENTRAL LOCAL CENTRE SITE – CHANGE OF OWNERSHIP AND AMENDED CONTRACTUAL TERMS – **CONFIDENTIAL**

Moved Cr Treby, Seconded Cr Chester.

[The recommendation in the agenda]

That the Council:

1. **AGREES** to the proposed sale of Lot 646 Aviator Boulevard, Clarkson from Catalina Gateway Site Pty Ltd as trustee for the Catalina Gateway Site Trust to Auswide International Investments (Cardup) Pty Ltd, subject to the latter preparing a deed of agreement setting out suitable development terms including the following construction milestones:
 - i) Amended development application to be submitted by 31 October 2020.
 - ii) Construction of the child care centre to be substantially commenced by 1 May 2021.
 - iii) Practical completion of the entire development within 30 months from 30 November 2020 or the date of settlement of the sale, whichever occurs sooner.
2. **AUTHORISES** the CEO to sign a deed of agreement with Auswide International Investments (Cardup) Pty Ltd to establish suitable contractual terms for the development of Lot 646 Aviator Boulevard, Clarkson.

The Motion was put and declared CARRIED (7/0).

11. ELECTED MEMBERS MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

Nil

12. QUESTIONS BY ELECTED MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

13. URGENT BUSINESS APPROVED BY THE CHAIR

Nil

14. MATTERS BEHIND CLOSED DOORS

- 9.5 Review of Deliverables – Development Manager’s Key Performance Indicators - Confidential
- 9.6 Key Personnel – Development Manager / Project Resourcing – Confidential
- 9.7 Mindarie Regional Council Landfill Buffer – Groundwater Monitoring Update - Confidential
- 10.1 Built Form Partnership – Stage 18 – Confidential
- 10.2 Catalina Central Local Centre Site – Change of Ownership - Confidential

15. GENERAL BUSINESS

Nil

16. FORMAL CLOSURE OF MEETING

The Chair declared the meeting closed at 7:33pm.

These minutes were confirmed at a meeting on

SIGNED this day of 2020

as a true record of proceedings.

CHAIR